
THE NATIONAL CONSTITUTION

of

LIFESAVING SOUTH AFRICA

accepted at its National Council in Durban, KwaZulu-Natal on 26 October 2007

as amended by

Resolution of its National Council taken on 19 September 2008
Resolution of its National Council taken on 9 October 2009
Resolution of its National Council taken on 17 September 2010
Resolution of its National Council taken on 14 October 2011
Resolution of its National Council taken on 5 October 2012
Resolution of its National Council taken on 4 October 2013
Resolution of its National Council taken on 26 July 2014
Resolution of its National Council taken on 25 July 2015
Resolution of its National Council taken on 30 July 2016

Lifesaving South Africa
35 Livingstone Road
Durban 4001
Republic of South Africa

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NATIONAL CONSTITUTION of LIFESAVING SOUTH AFRICA

[Agreed to on 26 October 2007]

[Date of commencement: 26 October 2007]

as amended by

Resolution of its National Council taken on 19 September 2008^(a)
Resolution of its National Council taken on 9 October 2009^(b)
Resolution of its National Council taken on 17 September 2010^(c)
Resolution of its National Council taken on 14 October 2011^(d)
Resolution of its National Council taken on 5 October 2012^(e)
Resolution of its National Council taken on 4 October 2013^(f)
Resolution of its National Council taken on 26 July 2014^(g)
Resolution of its National Council taken on 25 July 2015^(h)
Resolution of its National Council taken on 30 July 2016⁽ⁱ⁾

Table of Contents

NATIONAL CONSTITUTION OF LIFESAVING SOUTH AFRICA	1	
Preamble	1	
<i>PART A: INTRODUCTION</i>		2
1. Definitions	2	
2. Application of this Constitution	5	
3. Administrative language	5	
<i>PART B: ESTABLISHMENT</i>		6
4. Name and continued existence	6	
5. Nature of Lifesaving South Africa	6	
6. Objectives, capacity and functions	7	
7. Official address and administrative headquarters	11	
8. Anthem	12	
<i>PART C: MEMBERSHIP</i>		12
9. Membership	12	
10. Temporary membership	13	
11. Application for provincial membership	14	
12. Nomination for associated membership	16	
13. Rights, duties, privileges and responsibilities of membership	17	
14. Demarcation of areas	20	
15. Termination of membership	21	

^a In terms of article 19(4)(e) of this Constitution, the amendments effected by this resolution take effect as from 20 October 2008.

^b In terms of article 19(4)(e) of this Constitution, the amendments effected by this resolution take effect as from 10 November 2009.

^c In terms of article 19(4)(e) of this Constitution, the amendments effected by this resolution take effect as from 18 October 2010.

^d In terms of article 19(4)(e) of this Constitution, the amendments effected by this resolution take effect as from 15 November 2011.

^e In terms of article 19(4)(e) of this Constitution, the amendments effected by this resolution take effect as from 6 November 2012.

^f In terms of article 19(4)(e) of this Constitution, the amendments effected by this resolution take effect as from 5 November 2013.

^g In terms of article 19(4)(e) of this Constitution, the amendments effected by this resolution take effect as from 27 August 2014.

^h In terms of article 19(4)(e) of this Constitution, the amendments effected by this resolution take effect as from 26 August 2015.

ⁱ In terms of article 19(4)(e) of this Constitution, the amendments effected by this resolution take effect as from 30 August 2016.

	<i>PART D: NATIONAL COUNCIL</i>	22
16.	Status of the National Council	22
17.	Composition of the National Council	22
18.	Meetings of the National Council	23
19.	Powers of the National Council	28
20.	Voting in the National Council	31
21.	Election procedure	32
	<i>PART E: GENERAL MANAGEMENT</i>	33
22.	General management of Lifesaving South Africa	33
	<i>Management Board</i>	33
23.	Establishment of the Management Board	33
24.	Meetings of the Management Board	34
25.	Powers, duties and responsibilities of the Management Board and its members	35
26.	Bye-laws	38
	<i>Board Committees</i>	40
27.	Establishment of the Board Committees	40
28.	Meetings of a <i>Board Committee</i>	41
29.	Duties and responsibilities of <i>Board Committees</i>	42
30.	Subcommittees of <i>Board Committees</i>	43
31.	Rules	44
	<i>PART F: FINANCIAL MANAGEMENT</i>	45
32.	Establishment of the Financial Committee	45
33.	Duties and responsibilities of the Director of Finance	46
34.	General budgetary provisions	47
35.	Financial administration	48
36.	Auditors	50
37.	Arrears and penalties	51
	<i>PART G: GRIEVANCES AND DISCIPLINE</i>	53
38.	Grievances	53
39.	Right to investigate and/or take disciplinary action	53
40.	Purpose of disciplinary action	54
41.	Responsibility and authorisation for taking disciplinary action	54
42.	Establishment of the Disciplinary Committee	54
43.	Attendance at investigations and meetings of the Disciplinary Committee	56
44.	Loss of Life	57
45.	Patrol duties	57
46.	Discipline at competitions and similar events	58
47.	Appeals	58
	<i>PART H: GENERAL</i>	59
48.	Affirmative programmes	59
49.	Championships, competitions and similar events	59
50.	Protection of manuals and handbooks	60
51.	Dissolution	60
52.	Internal or domestic affairs	62
53.	Notification clause	62
54.	Transitional arrangements	62
	SCHEDULE 1: DISCIPLINARY CODE OF LIFESAVING SOUTH AFRICA	64
	SCHEDULE 2: THE LIFESAVER'S HYMN	67
	SCHEDULE 3: FOUNDING MEMBERS OF LIFESAVING SOUTH AFRICA	68

NATIONAL CONSTITUTION OF LIFESAVING SOUTH AFRICA

Preamble

WHEREAS the first lifesaving association in South Africa was established in 1911 as a branch of the Royal Lifesaving Society;

AND WHEREAS the South African Lifesaving Association was first established with effect from 15 April 1984 at a meeting held in Margate on 16 March 1984;

[Second paragraph of preamble amended by resolution of 5 October 2012⁽¹⁾]

AND WHEREAS the South African Lifesaving Association amalgamated with, and incorporated, the Surf Lifesaving Association of South Africa established on 21 May 1933, the South African National Water Safety Council established in 1979 and the South African Surf Lifesaving Union established in 1980;

[Third paragraph of preamble amended by resolution of 5 October 2012⁽²⁾]

AND WHEREAS the name of the South African Lifesaving Association was changed on 16 May 2003 to Lifesaving South Africa;

AND WHEREAS the existing constitution of Lifesaving South Africa, which was adopted on 8 October 2004 and amended from time to time thereafter, requires to be replaced because of the need for the restructuring of Lifesaving South Africa in order to promote and effect:-

- the good governance of Lifesaving South Africa;
- the transformation of Lifesaving South Africa into an association reflecting the spirit and values of the Bill of Rights (Chapter 2 of the Constitution of the Republic of South Africa); and
- the national administration and general development of lifesaving, both as a voluntary service to the community and as a sport;

AND WHEREAS it is the mission of Lifesaving South Africa to promote and provide effective control and management of aquatic safety for all the people of South Africa, in order to guard against and/or prevent the loss of life from drowning;

AND WHEREAS it is a special commitment of Lifesaving South Africa:-

- not to discriminate on the grounds of race, gender, sex, origin, colour, sexual orientation, religion, conscience, belief, culture or birth;
- to pursue pro-active measures and/or interventions for the benefit and development of the disadvantaged communities and/or disadvantaged individuals, for the development of human and other resources, for the building of capacity and for the empowerment of lifeguards and/or lifesaving clubs from disadvantaged communities, in order to redress the imbalances of the past and to strive for a representation of the diversity and composition of the South African population at all levels in lifesaving;

[Seventh paragraph of preamble amended by resolution of 5 October 2012⁽³⁾]

NOW THEREFOR the National Council of Lifesaving South Africa, convened under its previous constitution of 8 October 2004 (as amended), as well as the members of Lifesaving South Africa listed in Schedule 3 to this National Constitution, hereby adopt this National Constitution as the new constitution for Lifesaving South Africa and agree on the following articles as the basis for the

future association between the members of Lifesaving South Africa:

PART A: INTRODUCTION

1. Definitions

1.1 In *this Constitution*, unless expressly provided otherwise or unless the context otherwise indicates:-

- (a) “*active members*” means all members active in a *club*, including duty members, stillwater patrollers, competitors, probationary members, nippers, technical officials, examiners, assessors, instructors, coaches, office bearers, administrators, active life members, active honorary members and other active members not already specified;
[Definition of “*active member*” inserted by resolution of 4 October 2013]
- (b) ...
[Definition of “*advisory board*” amended by resolution of 14 October 2011⁽⁴⁾; deleted by resolution of 5 October 2012⁽⁵⁾]
- (c) ...
[Definition of “*affiliated member*” deleted by resolution of 5 October 2012⁽⁶⁾]
- (d) “*Annual General Meeting*” means a meeting of the *National Council* as contemplated in article 18.2;
- (e) “*associated member*” means a member of *Lifesaving South Africa* as contemplated in article 9.3;
- (f) “*audit*” where used in a context other than the financial affairs of *Lifesaving South Africa*, includes certification by a person who has been approved beforehand by the Director of Finance and the *Management Board* as a competent person for the purposes of an audit as contemplated in article 36.3;
- (g) “*Board Committee*” means the Lifesaving Committee, the Sport Committee, the Drowning Prevention Committee and/or the Financial Committee as contemplated in article 27;
[Definition of “*Board Committee*” inserted by resolution of 4 October 2013]
- (h) “*bye-law*” means a bye-law of *Lifesaving South Africa* approved and promulgated by the *Management Board* as contemplated in article 26;
- (i) “*closed session*” means, when used in relation to the *Annual General Meeting*, a session which is open for attendance only by the persons contemplated in article 17.1;
- (j) “*club*” means a body of persons, corporate or unincorporate, associated by agreement to pursue one or more of the objectives contemplated in article 6 at a municipal level;
[Definition of “*club*” inserted by resolution of 5 October 2012]
- (k) ...
[Definition of “*Commission*” inserted by resolution of 5 October 2012; deleted by resolution of 4 October 2013⁽⁷⁾]
- (l) ...
[Definition of “*Commissioner*” inserted by resolution of 5 October 2012; deleted by resolution of 4 October 2013⁽⁸⁾]
- (m) “*date of commencement*” means the date as contemplated in article 2.1;
- (n) “*Director*” means a Management Board Director elected in terms of article 23, namely: the President, the Vice President, the Director of Lifesaving, the Director of Sport, the Director of Drowning Prevention, the Director of Finance and not less

than three (3) but not more than five (5) other board members as contemplated in article 23.1;

[Definition of “*director*” deleted by resolution of 5 October 2012;⁽⁹⁾ inserted by resolution of 4 October 2013]

- (o) ...
- [Definition of “*Director of Finance*” deleted by resolution of 4 October 2013⁽¹⁰⁾]
- (p) “*Disciplinary Code*” means the Disciplinary Code as set out in Schedule 1 to *this Constitution*;
- (q) “*Disciplinary Committee*” means the committee contemplated in article 42.1 or any sub-committee thereof;
- (r) “*district member*” means a voluntary association of clubs within a municipal area, as demarcated in terms of the Local Government: Municipal Demarcation Act 27 of 1998, and incorporated as a juristic person, representing those clubs as a member of the *provincial member* for that province;
- [Definition of “*district member*” inserted by resolution of 5 October 2012]
- (s) “*financial year*” means the period of 12 months commencing on 1 April of a calendar year and ending on 31 March of the subsequent calendar year;
- [Definition of “*financial year*” corrected by resolution of 19 September 2008; amended by resolution of 4 October 2013⁽¹¹⁾]
- (t) “*General Manager*” means the person employed in terms of article 25.1(e) by the *Management Board* on behalf of *Lifesaving South Africa*;
- [Definition of “*General Manager*” inserted by resolution of 5 October 2012]
- (u) “*inactive member*” means all members who are not active in a *club*, including inactive life members, inactive honorary members and other inactive members not already specified;
- [Definition of “*inactive member*” inserted by resolution of 4 October 2013]
- (v) “*International Lifesaving*” means the International Lifesaving Federation established on 23 February 1993 in Belgium and constituted on 3 September 1994 in the United Kingdom, generally known under the acronym “*ILS*” and currently seated in the Belgian city of Leuven;
- (w) “*lifeguard*” means any person over the age of sixteen (16) years and the holder of a current minimum qualification or certification as approved in terms of, or prescribed in, the *bye-laws* or *rules* of *Lifesaving South Africa*;
- [Definition of “*lifeguard*” corrected by resolution of 19 September 2008]
- (x) “*Lifesaving South Africa*” means the entity as contemplated in article 4;
- (y) “*local member*” means a member of *Lifesaving South Africa* as contemplated in article 9.4;
- [Definition of “*local member*” substituted by resolution of 5 October 2012⁽¹²⁾]
- (z) “*Management Board*” means the board as contemplated in article 23;
- (aa) “*member*” means:-
- (i) when used in the context of the general management of *Lifesaving South Africa*, a person who has been elected or appointed or co-opted to the *Management Board* or a *Board Committee* as contemplated in article 22.1, or any committee thereof;
- (ii) when used in the context of *Lifesaving South Africa* in general, a *provincial member*, an *associated member* and/or a *local member* of *Lifesaving South Africa*;
- [Definition of “*member*” amended by resolution of 5 October 2012;⁽¹³⁾ further amended by resolution of 4 October 2013⁽¹⁴⁾]
- (bb) “*National Council*” means the council as contemplated in article 16;

- (cc) “*officer*” means any person who is affiliated with a *club* and elected, appointed or co-opted to an office in or a position on the *Management Board* or a *Board Committee* or a similar or corresponding office in or position on any organ of a *provincial member*, of a *district member* or of a *club* by virtue whereof such a person is entrusted with duties or responsibilities or powers relating to the governance and administration of the organisation or any part thereof;
[Definition of “*officer*” amended by resolution of 5 October 2012;⁽¹⁵⁾ further amended by resolution of 4 October 2013⁽¹⁶⁾]
- (dd) “*official*” means any person who is affiliated with a *club* and elected, appointed, co-opted or acting in any of the capacities, required for the proper control and administration or management of lifesaving as a sport, defined or prescribed in the *bye-laws* or *rules of Lifesaving South Africa*;
[Definition of “*official*” amended by resolution of 5 October 2012⁽¹⁷⁾]
- (ee) “*open session*” means, when used in relation to the *Annual General Meeting*, a session which is open for attendance only by the persons contemplated in article 17.1, 17.4 and 17.5;
- (ff) “*ordinary resolution*” means a resolution as contemplated in article 20.4;
- (gg) “*President*” means the elected *officer* referred to in article 21.1(a) read with article 23.3;
- (hh) “*provincial member*” means a member of *Lifesaving South Africa* as contemplated in article 9.2;
[“*Regional member*” renamed by resolution of 5 October 2012]
- (ii) “*rule*” means a rule of *Lifesaving South Africa* as contemplated in article 31;
- (jj) “*stillwater lifesaving*” means any life saving activities conducted in or at pools and/or swimming baths and/or inland water resources;
[Definition of “*stillwater lifesaving*” substituted by resolution of 19 September 2008⁽¹⁸⁾]
- (kk) “*special resolution*” means a resolution as contemplated in article 20.5;
- (ll) “*Sport and Recreation South Africa*” means the National Department of Sport and Recreation as part of the National Government of the Republic;
[Definition of “*Sports and Recreation South Africa*” inserted by resolution of 5 October 2012]
- (mm) “*surf lifesaving*” means any life saving activities conducted in or at the seashore, beach, tidal pool and/or ocean;
[Definition of “*surf lifesaving*” substituted by resolution of 19 September 2008⁽¹⁹⁾]
- (nn) “*the Republic*” means the Republic of South Africa;
- (oo) “*the South African Sport Confederation and Olympics Committee*” means the confederation recognised in terms of section 2 of the National Sport and Recreation Act 110 of 1998, generally known under the acronym “SASCOC”;
[Definition of “*the South African Sport Confederation and Olympics Committee*” inserted by resolution 5 October 2012]
- (pp) “*this Constitution*” means the national Constitution of *Lifesaving South Africa* as amended from time to time, including the schedules thereto.

1.2 In *this Constitution*, unless expressly provided otherwise or unless the context indicates otherwise:-

- (a) words importing the masculine gender include the feminine gender;
- (b) words in the singular number include the plural, and words in the plural number include the singular;
- (c) words or phrases related to any of the words or phrases defined in article 1.1 have

a meaning similar to the one so defined.

2. Application of this Constitution

- 2.1 *This Constitution* shall commence on and apply from the date as determined by the resolution in terms whereof it is formally adopted.^(a)
- 2.2 *This Constitution* and any *bye-law* or *rule* shall be binding upon and apply to:-
- (a) all *provincial members* of *Lifesaving South Africa*;
 - (b) all *associated members* of *Lifesaving South Africa*; and
 - (c) all *local members* of *Lifesaving South Africa*.
- [A 2.2 amended by resolution of 5 October 2012⁽²⁰⁾]
- 2.3 For the purposes of the *Disciplinary Code*, the provisions of *this Constitution* and of any *bye-law* or *rule* shall continue to be binding and applicable to every member contemplated in article 2.2 after any termination of membership.
- 2.4 *This Constitution* and any *bye-law* or *rule* shall have effect outside *the Republic* and shall remain binding on and applicable to every member as contemplated in article 2.2 in every respect.
- 2.5 *This Constitution* and any *bye-law* or *rule* shall be interpreted in terms of the South African law, which shall also be the law of *this Constitution* and any *bye-law* or *rule*.

3. Administrative language

- 3.1 Subject to article 3.3, the administrative language of *Lifesaving South Africa* is English and it shall be used:-
- (a) in all records, archives, minutes, correspondence, communications, handbooks, circulars and other documentation of *Lifesaving South Africa*; and
 - (b) at all meetings, workshops, seminars, programmes, sessions, galas, competitions, championships and other events under the auspices or control of *Lifesaving South Africa*.
- 3.2 Notwithstanding the provisions of article 3.1, no person may be discriminated against on the basis of language and, subject to a ruling by the chairperson of the *National Council* on the language to be used for the purposes of a meeting thereof, everyone is free to use his language of choice: Provided that if any person elects to use a language other than English and any assistance by an interpreter or translation into English is reasonably required by or on behalf of *Lifesaving South Africa*, such assistance or translation shall be for that person to arrange and at his costs: Provided further that if no such assistance or translation is forthcoming, neither *Lifesaving South Africa* nor any of its *officers*, *officials*, employees or persons acting for or on its behalf will be held responsible for any misunderstanding and/or the consequences thereof that may result from such use of a language other than English.

^a *This Constitution* commenced on 26 October 2007.

- 3.3 For the purpose of effective communication *Lifesaving South Africa* may, in its sole and unfettered discretion, use any other language than English as and when the occasion demands it: Provided that such use is not to the detriment or potential detriment of its administrative and/or operational effectiveness.

PART B: ESTABLISHMENT

4. Name and continued existence

- 4.1 The name of the association is LIFESAVING SOUTH AFRICA and the acronym thereof is LSA.
- 4.2 *Lifesaving South Africa*, as a corporate body established on 16 March 1984, continues to exist but, with effect from the *date of commencement of this Constitution*, functions and operates subject to *this Constitution*.

5. Nature of Lifesaving South Africa

- 5.1 *Lifesaving South Africa* is an incorporated voluntary association not for gain with a continuing existence, independent of changes in membership, of indefinite duration.
[A 5.1 amended by resolution of 5 October 2012⁽²¹⁾]
- 5.2 *Lifesaving South Africa* is a non-political, national federation of its provincial and associated members, joined together for the rendering of a service to the community in the humanitarian pursuit of promoting water safety and of safeguarding against loss of life from drowning at all aquatic venues and/or events and joined together for the effective management and control of lifesaving as a sport in *the Republic*.
[A 5.4 renumbered and amended by resolution of 5 October 2012⁽²²⁾]
- 5.3 *Lifesaving South Africa* as a separate juristic person has its own obligations, rights and duties, privileges and responsibilities as well as property, assets and liabilities.
[A 5.3 amended by resolution of 5 October 2012⁽²³⁾]
- 5.4 *Lifesaving South Africa* is a non-governmental, non-profit, public benefit organisation so that:-
- (a) all income, property and assets of *Lifesaving South Africa* shall be used solely for the pursuit of the objectives set out in article 6;
 - (b) subject to article 51, no part of the income, property or assets of *Lifesaving South Africa* may be paid or transferred to any member of *Lifesaving South Africa*, either directly or indirectly: Provided that nothing contained herein shall prevent that reasonable compensation be paid in good faith to any member of *Lifesaving South Africa* in respect of any lawful and authorised service or expense which such member has performed or incurred for or on behalf of *Lifesaving South Africa*;
 - (c) any member of *Lifesaving South Africa* who holds any property or asset of or for *Lifesaving South Africa* or who has incurred any expense on behalf of *Lifesaving South Africa*, shall fully account to *Lifesaving South Africa* in respect thereof.
[A 5.2 renumbered and amended by resolution of 5 October 2012;⁽²⁴⁾ further amended by resolution of 4 October 2013⁽²⁵⁾]

5.5 Subject to article 51, no *member* will be or is entitled as a *member* to any of the income, property or assets of *Lifesaving South Africa*, or to any portion thereof.

[A 5.6 renumbered and amended by resolution 5 October 2012⁽²⁶⁾]

5.6 No *member* will be or is liable as a *member* for any of the debts or liabilities of *Lifesaving South Africa*, or for any portion thereof.

[A 5.5 renumbered by resolution of 5 October 2012]

6. Objectives, capacity and functions

6.1 The main objectives of *Lifesaving South Africa* are to pursue , encourage and provide for:-

[A 6.1 *in fin* amended by resolution of 5 October 2012⁽²⁷⁾]

6.1.1 the rendering of lifesaving and related services to the community, and it may do so *inter alia* by means of:-

(a) controlling and managing water safety at aquatic venues and/or events in *the Republic* in order to safeguard against loss of life from drowning;

[A 6.1.1(b) renumbered by resolution of 5 October 2012]

(b) safeguarding the bathing public of *the Republic* and, where reasonably possible, rescuing bathers in distress;

[A 6.1.1(c) renumbered and amended by resolution of 5 October 2012⁽²⁸⁾]

(c) researching and developing aquatic skills, lifesaving techniques, lifesaving equipment and responses to drowning incidents in order to understand and transfer skills and methods of best practice in lifesaving and resuscitation;

[A 6.1.1(d) renumbered by resolution of 5 October 2012]

(d) researching, educating and training in lifesaving, and also in the techniques and protocols for the resuscitation of the apparently drowned;

[A 6.1.1(e) renumbered by resolution of 5 October 2012]

(e) rendering of lifesaving services to any local authority, water-park, hotel, aquatic resort, private event manager or other institution whether with or without a charge or levy or commission payable to *Lifesaving South Africa* and whether with or without remuneration payable to the *lifeguard*;

[A 6.1.1(f) renumbered by resolution of 5 October 2012]

(f) safeguarding against any aquatic accidents;

[A 6.1.1(i) renumbered by resolution of 5 October 2012]

(g) protecting and conserving the aquatic environment and ecology in order to ensure the sustainable use thereof;

[A 6.1.1(j) renumbered by resolution of 5 October 2012]

6.1.2 a healthy environment for mass and individual participation, in the spirit of the best traditions of sportsmanship and camaraderie between lifeguards through all ages, of persons from all sectors of the community in *surf lifesaving* and/or *stillwater lifesaving* as a sport, and it may do so *inter alia* by means of:-

(a) controlling and administering lifesaving as a sport throughout *the Republic* consistent, as far as possible, with the rules established by *International Lifesaving* and *the South African Sport Confederation and Olympic Committee*, and in accordance with the legislation applicable to sport;

[A 6.1.2(a) amended by resolution of 5 October 2012⁽²⁹⁾]

(b) formulating and implementing *rules, bye-laws*, standards or regulations for events, galas, competitions and/or championships;

- [A 6.1.2(d) renumbered by resolution of 5 October 2012]
- (c) arranging events, galas, competitions, championships or any other opportunity for participation in the sport of lifesaving;
- [A 6.1.2(c) inserted by resolution of 5 October 2012]
- (d) appointing coaches, team managers and support staff for high performance squads, academy squads, development teams and national teams;
- [A 6.1.2(d) inserted by resolution of 5 October 2012]
- (e) arranging training camps, sessions, workshops, development programmes and special measures for the growth of individual lifeguards or teams and the sport of lifesaving in general;
- [A 6.1.2(e) inserted by resolution of 5 October 2012]
- (f) selecting, preparing, assisting and supporting development, academy and national teams for participating and competing on an international level;
- [A 6.1.2(f) inserted by resolution of 5 October 2012]
- (g) promoting self-discipline and maintaining discipline in the sport of lifesaving, in general as contemplated in article 6.1.4(h) and specifically to prevent the abuse of performance-enhancing substances in according with the World Anti-Doping Code;
- [A 6.1.2(g) inserted by resolution of 5 October 2012]
- 6.1.3 in addition to the services as contemplated in article 6.1.1, the prevention of drowning, and it may do so *inter alia* by means of:-
- [A 6.1.3 *in fin* inserted by resolution of 5 October 20112]
- (a) research into the causes of, and the keeping of statistics on, drowning incidents for the purpose of publishing the results and creating public awareness so that preventative measures can be implemented;
- [A 6.1.3(a) inserted by resolution of 5 October 2012]
- (b) pursuing the safety of foreign and domestic tourists unfamiliar with the dangers of a particular aquatic environment, also through education as contemplated in article 6.2(c);
- [A 6.1.3(b) inserted by resolution of 5 October 2012]
- (c) organising and/or controlling the safety of any water-sports and -activities as an aquatic regulatory body that contributes to the social and physical well-being of the community;
- [A 6.1.1(a) corrected by resolution of 19 September 2008; renumbered by resolution of 5 October 2012]
- (d) helping to develop uniform and/or consistent policies, prescripts, rules or laws for the control and regulation of safe bathing, aquatic events and/or aquatic venues, and assisting local and other authorities in enforcing such policies, prescripts, rules or laws;
- [A 6.1.1(h) renumbered and amended by resolution of 5 October 2012⁽³⁰⁾]
- (e) improving facilities and infrastructure for bathing and/or swimming to make them as safe as reasonably possible and accessible for all members of the general public, including the physically disabled;
- [A 6.1.1(g) renumbered and amended by resolution of 5 October 2012⁽³¹⁾]
- (f) creating a climate for the establishment and growth of lifesaving *clubs*, bodies, associations, institutions or organisations;
- [A 6.1.2(c) renumbered by resolution of 5 October 2012]
- (g) supporting any or all lifesaving clubs, bodies, associations, institutions or organisations, not only in *the Republic* but also in the rest of Africa and elsewhere, including assessing the need for basic lifesaving facilities,

equipment and transport or addressing that need; and

[A 6.1.2(b) renumbered by resolution of 5 October 2012]

6.1.4 in general, the proper governance and responsible administration of all matters concerning *Lifesaving South Africa* and/or lifesaving in South Africa and/or *lifeguards* in South Africa, and it may do so *inter alia* by means of:-

[A 6.1.3 *in fin* renumbered and amended by resolution of 5 October 2012⁽³²⁾]

(a) developing the knowledge, competencies, abilities and skills of *officers*, board- and committee-members, administrators and representatives (either in the *National Council* or in any other body associated directly or indirectly with *Lifesaving South Africa*) in particular, and the lifesaving movement in general, either by means of workshops, courses, seminars, training camps, examinations or by any other appropriate means, including the recognition of such competencies, abilities and skills by awarding colours, badges, medals, honours and certificates in order to strengthen the administration and leadership in lifesaving on all levels and to ensure that there will be succession in the administration and leadership in lifesaving on all levels without any disruption of activities;

[A 6.1.3(a) renumbered and amended by resolution of 5 October 2012⁽³³⁾]

(b) developing the knowledge, competencies, abilities and skills of *lifeguards* and *officials* in particular, and the lifesaving movement in general, either by means of coaching, workshops, seminars, training camps, examinations, championships, competitions, galas or by any other appropriate means, including the recognition of such competencies, abilities and skills by awarding colours, badges, medals, honours, pennants, certificates and/or prizes;

[A 6.1.3(b) renumbered by resolution of 5 October 2012]

(c) establishing and/or operating a lifesaving academy for education, training courses and ongoing efforts to develop the knowledge and skills of *officers*, *officials*, administrators, coaches, competitors and *lifeguards*;

[A 6.1.3(c) renumbered by resolution of 5 October 2012]

(d) forming alliances between and/or cooperating with any person, group, corporate body or institution in order to develop and improve lifesaving and/or to secure public recognition, financial support and general support for lifesaving;

[A 6.1.3(d) renumbered by resolution of 5 October 2012]

(e) supporting *International Lifesaving* and the Royal Life Saving Society, including affiliating therewith and/or becoming involved and/or participating in their activities, programmes or competitions;

[A 6.1.3(e) renumbered and amended by resolution of 5 October 2012⁽³⁴⁾]

(f) drafting and promulgating *bye-laws* and/or *rules* and/or standard guidelines and/or manuals and/or handbooks and/or protocols and/or requirements for accreditation for the management and control of lifesaving, and also for the resuscitation of the apparently drowned;

[A 6.1.3(f) renumbered by resolution of 5 October 2012]

(g) investigating acts of bravery in any aquatic environment to consider and make a suitable award in recognition thereof;

[A 6.1.3(g) renumbered by resolution of 5 October 2012]

(h) maintaining order and discipline amongst all persons, groups, corporate bodies or institutions involved in or associated with *Lifesaving South Africa*

either directly or indirectly, and protecting the reputation of *Lifesaving South Africa* as well as the reputation of lifesaving in general;

[A 6.1.3(h) renumbered by resolution of 5 October 2012]

- (i) implementing and maintaining financial efficiency, control, supervision, discipline and accountability; and

[A 6.1.3(i) renumbered and amended by resolution of 5 October 2012⁽³⁵⁾]

- (j) internally resolving any dispute arising out of, or in connection with, the interpretation or application of *this Constitution* or any *bye-law* or *rule* and/or any examination, championship, competition, gala, event or any other activity under the auspices of *Lifesaving South Africa*.

[A 6.1.3(j) renumbered by resolution of 5 October 2012]

6.2 For the purposes of any of its main objectives as set out in article 6.1, *Lifesaving South Africa* may also:

[A 6.2 *in fin* amended by resolution of 5 October 2012⁽³⁶⁾]

- (a) make available duty squads or patrols of *lifeguards* at aquatic venues or events;
- [A 6.2(a) amended by resolution of 5 October 2012⁽³⁷⁾]
- (b) conduct an ongoing countrywide campaign of water safety awareness;
 - (c) educate, amongst all income groups, all those who make use of any body of water (including pools, rivers, dams, lagoons and the ocean) on the following aspects, namely:-

- (i) broad-based aquatic safety and survival;
- (ii) community and individual responsibility for protecting the environment;
- (iii) prevention and control of water pollution;
- (iv) water health and hygiene;

[A 6.2(c) amended by resolution of 5 October 2012⁽³⁸⁾]

- (d) introduce pro-active measures or interventions for the benefit and development of the disadvantaged communities and/or individuals of *the Republic*, for the development of human and other resources, for the building of capacity and for the empowerment of *lifeguards* and/or lifesaving *clubs* from disadvantaged communities, in order to redress the imbalances of the past and to strive for a representation of the diversity and composition of the South African population at all levels in lifesaving;

[A 6.2(d) amended by resolution of 5 October 2012⁽³⁹⁾]

- (e) subject to article 5.4 and in addition to article 6.1.4(e), also join and/or affiliate and/or register with the South African Sport Confederation and Olympic Committee, the South African Resuscitation Council, Sport and Recreation South Africa and any other national or international body or association: Provided that there is no conflict, directly or indirectly, with *this Constitution* or the objectives of *Lifesaving South Africa*;

[A 6.2(e) amended by resolution of 5 October 2012⁽⁴⁰⁾]

- (f) carry on business in *the Republic* or elsewhere; and
- (g) do anything necessary or reasonably required therefor or appropriate or incidental thereto.

[A 6.2(g) amended by resolution of 5 October 2012⁽⁴¹⁾]

6.3 As a juristic person *Lifesaving South Africa* has the powers of a natural person who has attained majority, including:-

[A 6.3 *in fin* amended by resolution of 5 October 2012⁽⁴²⁾]

- (a) full capacity to act in law in order to perform any and all legal acts for the pursuit of

and in conformity with its objectives, including the capacity to enter into contracts, to make and receive donations and to enter into any agreement: Provided that Lifesaving South Africa may not accept any donation 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;

[A 6.3(a) amended by resolution of 5 October 2012⁽⁴³⁾]

- (b) full legal capacity, including the capacity to have, acquire and be endowed with rights, duties, property, assets and liabilities; and
- (c) full *locus standi in iudicio*, including the capacity to act as plaintiff or defendant in any forum;

[A 6.3(c) corrected by resolution of 19 September 2008]

except those powers which-

- (i) by nature can only attach to natural persons; or
- (ii) are inconsistent with *this Constitution*;

and may, subject to article 6.4, pursue the objectives set out in article 6.1 by means of the exercise of any of those powers, including the power to seek and collect or obtain contributions and/or sponsorships and/or any other form of support, either in *the Republic* or elsewhere.

- 6.4 Any contract concluded by *Lifesaving South Africa* for the rendering of services, including a contract of employment or of agency, shall provide that the other party to the contract is familiar with the contents of *this Constitution* and undertakes not to do anything inconsistent therewith but to respect and follow it to the extent required for the contract.

[A 6.4 amended by resolution of 5 October 2012⁽⁴⁴⁾]

- 6.5 Subject to article 6.2(d), nobody may in pursuit of the objectives set out in article 6.1 discriminate against any other person on the grounds of race, gender, sex, origin, colour, sexual orientation, religion, conscience, belief, culture or birth.

7. Official address and administrative headquarters

- 7.1 The official address and administrative headquarters of *Lifesaving South Africa* is situated at the following address:-

*Lifesaving South Africa
35 Livingstone Road
Durban 4001
Republic of South Africa*

- 7.2 For all legal and other purposes, the address in article 7.1 is the chosen *domicilium citandi et executandi* and head office of *Lifesaving South Africa*.
- 7.3 The normal business hours for the administrative headquarters of *Lifesaving South Africa* are from 08h00 to 16h30 on weekdays.
- 7.4 The administrative headquarters of *Lifesaving South Africa* shall be an addressee and shall receive a copy of all correspondence or communications to and from *Lifesaving South Africa* or any of its organs, including any interprovincial or interregional correspondence or

communications between *provincial members* and/or *associated members* and/or *local members* for the purposes of keeping a proper record of the affairs and administration of *Lifesaving South Africa*, in accordance with a protocol for communication established by the *Management Board*.

[A 7.4 amended by resolution of 5 October 2012;⁽⁴⁵⁾ further amended by resolution of 4 October 2013⁽⁴⁶⁾; corrected by resolution of 26 July 2014]

- 7.5 The current contact details of the administrative headquarters of *Lifesaving South Africa*, including an emergency telephone number for contact after hours, and, where appropriate, of a local member, shall be provided to all local authorities, institutions, resorts or entities responsible for the supervision and control of any body of water used by members of the public for sport or recreation and may be provided to the media.

[A 7.5 inserted by resolution of 5 October 2012]

8. Anthem

- 8.1 The anthem of *Lifesaving South Africa* is the song with the title “*Stand inside the circle*” and generally known as the Lifesaver’s Hymn.
- 8.2 The official version of the Lifesaver’s Hymn is set out in Schedule 2.

PART C: MEMBERSHIP

9. Membership

- 9.1 The membership of *Lifesaving South Africa* consists of the following categories of members:-

- (a) *provincial members*;
- (b) *associated members*; and
- (c) *local members*.

[A 9.1 amended by resolution of 5 October 2012⁽⁴⁷⁾]

- 9.2 The provincial membership of *Lifesaving South Africa* consists of:-

- (a) the successors in title of those members listed in Schedule 3, who are deemed to be the founding members of *Lifesaving South Africa*, and who after the territorial restructuring of the membership of *Lifesaving South Africa* on the basis of the geopolitical boundaries of the nine (9) provinces in the Republic, were accepted by resolution of the *Management Board* as *provincial member*; and
 - (b) those members admitted as *provincial members* of *Lifesaving South Africa* upon application in accordance with article 11.1 of *this Constitution*;
- representing the *local members* of a province of *the Republic* and whose provincial membership has not been terminated.

[A 9.2 amended by resolution of 5 October 2012;⁽⁴⁸⁾ further amended by resolution of 4 October 2013⁽⁴⁹⁾]

- 9.3 The associated membership of *Lifesaving South Africa* consists of:-

- (a) kindred organisations, whether foreign or domestic; and
- (b) other associates, who must be corporate bodies, associations (including partnerships), movements, trusts or foundations, whether foreign or domestic, or

local authorities or any other entity suitable and willing to associate and be associated with *Lifesaving South Africa* and its objectives;
consenting to be granted and who are granted associated membership by *special resolution* of the *National Council*, and whose associated membership has not been terminated.

[A 9.3 amended by resolution of 5 October 2012⁽⁵⁰⁾]

9.4 The local membership of *Lifesaving South Africa* consists of:-

- (a) *district members*;
- (b) *clubs*;
- (c) *officers of Lifesaving South Africa, of a provincial member, of a district member or of a club*;
- (d) *officials of Lifesaving South Africa, of a provincial member, of a district member and of a club*;
- (e) *lifeguards* affiliated with a *club*; and
- (f) other persons affiliated with a *club* other than those contemplated in sub-article (c), (d) or (e), including any person who trains or aspires to be a *lifeguard* and/or the parents or guardians acting on behalf of or assisting any minor affiliated with a *club* and/or supporters and/or honorary members .

[A 9.4 amended by resolution of 5 October 2012⁽⁵¹⁾]

10. Temporary membership

10.1 If any *club*, body, association, institution or organisation is formed or falls outside the area of any *provincial member* and wants to associate and be associated with *Lifesaving South Africa* and its objectives, the *Management Board* may upon application in writing and accompanied by an application fee as determined by the *National Council* from time to time:-

- (a) grant temporary membership for that *club*, body, association, institution or organisation directly with *Lifesaving South Africa* for the time being;
- (b) with the written consent of the nearest *provincial member* or *district member*, approve that such *club*, body, association, institution or organisation may be granted temporary membership with such *provincial member* or *district member* for the time being despite the fact that it falls outside the area of such *provincial member* or *district member*; or
- (c) refuse such application, for which refusal no reasons need to be given by the *Management Board*.

[A 10.1 amended by resolution of 19 September 2008,⁽⁵²⁾ further amended by resolution of 5 October 2012⁽⁵³⁾]

10.2 Such granting or such approval of temporary membership may be made subject to:

- (a) the payment of such fee, charge or levy (if any) as may be determined from time to time by the *National Council*; and
- (b) such condition or conditions as the *Management Board* deems fit, and such condition or conditions may after consultation be amended or added to at the discretion of the *Management Board* as and when required.

[A 10.2(b) amended by resolution of 5 October 2012⁽⁵⁴⁾]

10.3 Any such *club*, body, association, institution or organisation holding temporary membership

directly with *Lifesaving South Africa* shall have the right to nominate one (1) observer in the *National Council*: Provided that neither such observer nor any such *club*, body, association, institution or organisation shall have a right to vote in the *National Council* on any matter but such observer may, upon request, be allowed to participate in the discussions in the *National Council*.

10.4 Where temporary membership is granted or approved in terms of article 10.1, the *Management Board*:

- (a) shall, without delay, notify all *provincial members* thereof;
[A 10.4(a) inserted by resolution of 19 September 2008; amended by resolution of 5 October 2012⁽⁵⁵⁾]
- (b) shall at the first available opportunity report such granting or approval and the details thereof to the *National Council*;
[A 10.4(b) renumbered by resolution of 19 September 2008]
- (c) shall annually review the position of any *club*, body, association, institution or organisation holding a temporary membership and report the details thereof to the *National Council*;
[A 10.4(c) renumbered by resolution of 19 September 2008]
- (d) shall recommend to the *National Council* the feasible measures to be taken so as to allow any such *club*, body, association, institution or organisation to apply for membership with a *provincial member* in whose area it then falls as soon as is practically possible: Provided that the temporary membership of any such *club*, body, association, institution or organisation, and where applicable the status and privileges of its observer, lapse upon its affiliation with such *provincial member*; and
[A 10.4(d) renumbered by resolution of 19 September 2008; amended by resolution of 5 October 2012⁽⁵⁶⁾]
- (e) where appropriate or required, inform or update *the South African Sport Confederation and Olympic Committee* and/or Sport and Recreation South Africa of the temporary membership so granted and request their assistance to establish a member for the province concerned.
[A 10.4(e) inserted by resolution of 5 October 2012]

10.5 Any club, body, association, institution or organisation holding a temporary membership in terms of article 10.1 is subject to *this Constitution* and the *bye-laws* or *rules*.

11. Application for provincial membership

[Heading amended by resolution of 5 October 2012⁽⁵⁷⁾]

11.1 An application for provincial membership of *Lifesaving South Africa* in terms of article 9.2(b) may be made by a separate juristic person if:-

- (a) it has at least three (3) *clubs* as members in the relevant province and each such *club* has at least four (4) *lifeguards* affiliated with such *club*;
- (b) its constitution is not inconsistent with *this Constitution*;
- (c) its constitution provides the particulars, including diagrams in colour, of the competition colours of the applicant and is accompanied by the constitutions, each containing the respective competition colours, of its members, if applicable;
- (d) its constitution provides that the articles of *this Constitution*, pertaining to *local members*, are incorporated therein and where applicable shall be incorporated into each of the constitutions of, and be binding upon, its members respectively;

- (e) *Lifesaving South Africa* has no existing *provincial member* for that province.
[A 11.1 amended by resolution of 5 October 2012,⁽⁶⁸⁾ further amended by resolution of 4 October 2013⁽⁶⁹⁾]

11.2 An application for provincial membership of *Lifesaving South Africa* shall be:-

- (a) made in writing;
- (b) accompanied by a copy of the constitution of the applicant;
- (c) accompanied by a list providing full personal particulars and contact details of the office bearers of the applicant, including the particulars of which member of the applicant each such office bearer is affiliated with;
- (d) accompanied by a list providing full particulars of the members of the applicant, of the nature and structure and office bearers of its members as well as of the contact details and particulars of the *lifeguards* affiliated with each of them;
- (e) ...;⁽⁶⁰⁾
- (f) accompanied by an application fee as determined by the *National Council* from time to time;
- (g) accompanied by such further information or documentation as the *Management Board* may require;
- (h) addressed to the *President* and lodged with the *Management Board*, who shall immediately circulate it to all *provincial members* for comment; and
- (i) submitted to the *National Council* on the first available opportunity, together with the comment of *provincial members* (if any) and the recommendation of the *Management Board*.

[A 11.2 amended by resolution of 5 October 2012⁽⁶¹⁾]

11.3 The *National Council* shall consider such application, together with the comments of *provincial members* (if any) and the recommendation of the *Management Board* submitted to it, at the next *Annual General Meeting* and shall:-

- (a) provided that the requirements set out in article 11.1 are met, by *special resolution* approve and grant such application for membership unconditionally or on condition that the constitution of the applicant first be amended as it may reasonably require or on any such other reasonable condition as it may deem fit; or
- (b) refuse such application.

[A 11.3 amended by resolution of 5 October 2012⁽⁶²⁾]

11.4 A true and correct copy of the constitution of the applicant, either in its unamended form or after amendment as required in terms of a condition contemplated in article 11.3(a), together with a copy of the minutes or a resolution of the applicant approving and adopting such constitution, shall be supplied to and kept at the administrative headquarters of *Lifesaving South Africa* in safe custody and available for inspection by any interested party (who may request a copy thereof at his expense) as the official constitution of the applicant in its capacity as a *provincial member* of *Lifesaving South Africa*, which official constitution may only be amended in consultation with *Lifesaving South Africa* and on condition that a true and correct copy of such amended official constitution, together with a copy of the minutes or a resolution of the *provincial member* approving and adopting the amendment of its official constitution, shall likewise be supplied to and kept at the administrative headquarters of *Lifesaving South Africa*.

[A 11.4 amended by resolution of 5 October 2012⁽⁶³⁾]

12. Nomination for associated membership

12.1 A nomination for associated membership of *Lifesaving South Africa* in terms of article 9.3 shall be:-

- (a) made in writing;
- (b) accompanied by a written motivation, setting out fully the particulars of the nominee and the reasons for the nomination;
- (c) accompanied by a written statement of the nominee, indicating a consent to be granted or a willingness to accept such membership;
- (d) accompanied by such further information or documentation as the *Management Board* may require;
- (e) addressed to the *President* and lodged with the *Management Board*; and
- (f) submitted to the *National Council* together with the recommendation of the *Management Board*.

12.2 The *National Council* shall consider such nomination together with the recommendation of the *Management Board* submitted to it and, if recommended by the *Management Board*, may:-

- (a) by *special resolution* approve such nomination for membership and grant the nominee associated membership; or
- (b) refuse such nomination;

and where such nomination is not recommended by the *Management Board*, the *National Council* shall refuse it.

[A 12.2 amended by resolution of 5 October 2012⁽⁶⁴⁾]

12.3 In terms of the *special resolution* contemplated in article 12.2(a), the approval and granting of any associated membership:-

- (a) may be made subject to any condition or qualification or restriction, if any, as the *National Council* may impose for whatever reason in its sole and unfettered discretion;
- (b) may be made subject to payment of an annual fee for associated membership (if any) as determined from time to time by the *National Council*; and
- (c) may, if applicable, impose upon an *associated member* the duty to supply a true and correct copy of the constitution of such an *associated member* and any amendments thereto to *Lifesaving South Africa*, to be kept at the administrative headquarters of *Lifesaving South Africa* in safe custody and available for inspection by any interested party (who may request a copy thereof at his expense) as the official constitution of such *associated member*.

12.4 An *associated member*, or a representative or nominee for such *associated member*, may at any time be co-opted to sit on a Board Committee or any committee (excluding the *Disciplinary Committee* or the *Financial Committee*): Provided that such a representative or nominee shall also be under the duty to account as contemplated in article 5.4(c).

[A 12.4 amended by resolution of 5 October 2012⁽⁶⁵⁾ further amended by resolution of 4 October 2012⁽⁶⁶⁾]

13. Rights, duties, privileges and responsibilities of membership

13.1 Subject to the provisions of *this Constitution*, the membership of *Lifesaving South Africa* shall be open for all: Provided that no person, association or corporate body may be a *member of Lifesaving South Africa* and at the same time, either directly or indirectly, also be a member or associate of any body or organisation declared by the *National Council* to be in direct opposition to *Lifesaving South Africa*.

13.2 *Members of Lifesaving South Africa* shall, subject to the provisions of *this Constitution*, have a right of direct representation in and sitting on the *National Council* on the following basis:-

13.2.1 *A provincial member* shall have the right to appoint two (2) delegates in the *National Council* and on behalf of such member delegates shall have the right to participate in the proceedings and discussions thereof as well as the right to vote for such member in the *National Council* on any matter.

[A 13.2.1 amended by resolution of 5 October 2012⁽⁶⁷⁾]

13.2.2 *An associated member* shall have the right to nominate one (1) observer in the *National Council* with a right to participate in the discussions thereof but neither such observer or such *associated member* shall have a right to vote in the *National Council* on any matter.

13.2.3 *A local member* shall not as a *member* have any right of direct representation and sitting in the *National Council*.

[A 13.2.3 corrected by resolution of 19 September 2008; amended by resolution of 5 October 2012⁽⁶⁸⁾]

13.3 Only a *provincial member* may nominate a candidate for associated membership or for election to hold office in *Lifesaving South Africa*.

[A 13.3 amended by resolution of 5 October 2012⁽⁶⁹⁾]

13.4 An adult person is, subject to article 21, eligible to hold office in *Lifesaving South Africa* as one of its officers: Provided that:-

- (a) such a person is affiliated with a *club*;
- (b) such a person is not an unrehabilitated insolvent or under administration;
- (c) such a person has not been declared to be of unsound mind or to be incapable of managing his own affairs;
- (d) such a person is not otherwise disqualified in terms of *this Constitution* to be so elected;
- (e) such a person, although having served the term of any office, is eligible for re-election to that office or election to any other office; and
- (f) upon election to any office in *Lifesaving South Africa*, save for election as an ordinary member on any *Board Committee*, any other office in a *provincial member* or *district member* is automatically vacated as if a resignation from that office has taken place but without such person losing his status as an official.

[A 13.4 amended by resolution of 5 October 2012,⁽⁷⁰⁾ further amended by resolution of 4 October 2013⁽⁷¹⁾; further amendment by resolution of 25 July 2015⁽⁷²⁾]

- 13.5 Any adult person who is a *local member* may at any time be co-opted to sit on a *Board Committee* or any committee.
[A 13.5 amended by resolution of 5 October 2012;⁽⁷³⁾ further amended by resolution of 4 October 2013⁽⁷⁴⁾]
- 13.6 Every member is obliged to inform *Lifesaving South Africa* in writing of any change in details and to ensure that *Lifesaving South Africa* has the information required to make or keep in contact with a *member*, including a physical, postal and e-mail address (where available).
- 13.7 Whenever a *club*, body, association, institution, organisation or *district member* affiliates with a *provincial member*, such *provincial member* shall submit the following to *Lifesaving South Africa*:
- (a) a copy of the constitution thereof, which provides the particulars, including diagrams in colour, of the competition colours thereof, and accompanied by a copy of the minutes or a resolution thereof approving and adopting such constitution;
 - (b) a list providing the full personal particulars and contact details of the office bearers and of the members thereof, including the contact details and particulars of the *lifeguards* affiliated therewith; and
 - (c) such further information and documentation as the *Management Board* may require.
[A 13.7 corrected by resolution of 19 September 2008; amended by resolution of 5 October 2012⁽⁷⁵⁾]
- 13.8 The duties, obligations and responsibilities of *provincial members* and *local members* with regard to annual or monthly returns, inspection of books or records or accounts and the provision of financial information or statements are as follows:-
[A 13.8 *in fin* amended by resolution of 5 October 2012⁽⁷⁶⁾]
- 13.8.1 Each *provincial member* and *local member* shall adopt the *financial year* for the purposes of its own financial and other administration.
[A 13.8.1 amended by resolution of 5 October 2012;⁽⁷⁷⁾ amended by resolution of 4 October 2013⁽⁷⁸⁾]
- 13.8.2 Within three (3) weeks of its annual general meeting, every *provincial member* shall send to *Lifesaving South Africa* an annual written return in respect of its past *financial year* providing the details and particulars of:-
- (a) the office bearers of such member;
 - (b) its existing *local members*, including the details and particulars of the office bearers thereof;
 - (c) any pending application for membership with it by a *club*, body, association, institution or organisation, including the details and particulars of such applicant and the details and particulars of its nature and structure and office bearers;
 - (d) the termination of the membership of any of its members and the circumstances of such termination: Provided that within thirty (30) days of any termination of the membership of any member of a *provincial member*, *Lifesaving South Africa* must be notified thereof in writing; and
 - (e) the number of *active members* affiliated with such member on the last day

of such *financial year*.

[A 13.8.2 amended by resolution of 19 September 2008;⁽⁷⁹⁾ further amended by resolution of 5 October 2012⁽⁸⁰⁾; further amended by resolution of 4 October 2013⁽⁸¹⁾]

13.8.3 Within fifteen (15) days after the end of the month, every *club* shall send a monthly written return, in the format prescribed by the *Management Board*, to the relevant *district member* and/or *provincial member* providing the details and particulars of:-

- (a) active members and inactive members at the end of the month and all increases and decreases in its membership during the previous month;
- (b) rescues performed during the previous month;
- (c) duties performed during the previous month;
- (d) any acts of bravery in an aquatic environment to be investigated and/or considered for a possible bravery award;
- (e) any other information reasonably required by the relevant *district member* and/or *provincial member* and/or *Lifesaving South Africa*;

and at the same time shall furnish *Lifesaving South Africa* with copies thereof.

[A 13.8.3 amended by resolution of 5 October 2012;⁽⁸²⁾ further amended by resolution of 4 October 2013⁽⁸³⁾]

13.8.4 The books and records and accounts of any *provincial member*, *district member* or *club* shall at all reasonable times be available for and open to inspection by any representative of the *National Council* and/or the *Management Board*, appointed for that purpose.

[A 13.8.4 amended by resolution of 5 October 2012⁽⁸⁴⁾]

13.8.5 Within thirty (30) days of the annual general meeting of any *provincial member*, *district member* or *club*, a certified copy of the minutes of such meeting as well as the *audited* annual financial statements:-

- (a) of any such *provincial member* shall be forwarded by it to the administrative headquarters of *Lifesaving South Africa* to be kept in safe custody and available for inspection by any interested party (who may request a copy thereof at his expense);
- (b) of any such *district member* or *club* shall be forwarded by it to the relevant *provincial member* for safekeeping and, upon request by *Lifesaving South Africa*, such *provincial member* shall make a copy thereof available to *Lifesaving South Africa*.

[A 13.8.5 amended by resolution of 5 October 2012⁽⁸⁵⁾]

13.8.6 Every *district member* and/or *provincial member* shall send the results and records of any examination conducted under the auspices of *Lifesaving South Africa* to the administrative headquarters of *Lifesaving South Africa* without delay in the manner and format prescribed by the *Management Board*.

[A 13.8.6 amended by resolution of 5 October 2012;⁽⁶⁵⁾ further amended by resolution of 4 October 2013⁽⁸⁷⁶⁾]

13.9 Annual fees for membership shall be paid directly to *Lifesaving South Africa*, in an amount as determined from time to time by the *National Council*, by:-

- (a) every *provincial member*;
- (b) every *local member*; and

(c) every *associated member*, if his membership was made subject to payment of a fee as contemplated in article 12.3(b);

and which fee is payable on or before a date determined by *National Council*.

[A 13.9 amended by resolution of 5 October 2012;⁽⁸⁸⁾ further amended by resolution of 4 October 2013⁽⁸⁹⁾]

13.10 A *provincial member* and/or *district member* may only amend its constitution in consultation with *Lifesaving South Africa* and shall ensure that *Lifesaving South Africa* is at all relevant times in possession of a true and correct copy of its current constitution, together with a copy of the minutes or a resolution of the *provincial member* and/or *district member* approving and adopting such current constitution.

[A 13.10 amended by resolution of 5 October 2012;⁽⁹⁰⁾ further amended by resolution of 4 October 2013⁽⁹¹⁾]

13.11 Every *provincial member*, *district member* or club shall, when directed by the *Management Board* to do so within a specified period in the interest of *Lifesaving South Africa*, within that period apply for affiliation or recognition with a government department, municipality, public or private institution or any other body.

[A 13.11 inserted by resolution of 14 October 2011; amended by resolution of 5 October 2012⁽⁹²⁾]

13.12 No national championships and/or competitions may be held without the approval and/or authorisation of the *National Council* and neither may any overseas tour be embarked upon by a national lifesaving team and/or by a team from a *provincial member* and/or a by a team from a club and/or by a team of individual *lifeguards* without the prior approval and authorisation of the *National Council*.

[A 13.11 inserted by resolution of 19 September 2008 and renumbered by resolution of 14 October 2011; amended by resolution of 5 October 2012⁽⁹³⁾]

13.13 Members shall have such further rights, duties, privileges and responsibilities as are provided for in *this Constitution* or the *bye-laws*.

[A 13.12 renumbered by resolution of 19 September 2008 and renumbered by resolution of 14 October 2011]

14. Demarcation of areas

14.1 Every *provincial member* conducts its activities and exercises its powers within the boundaries of the province of the Republic wherein that *provincial member*, and the *clubs* or *district members* represented therein, is situated: Provided that where a *club*, body, association, institution or organisation is granted temporary membership with a *provincial member* or a *district member* in terms of article 10.1(b), that *provincial member* or *district member* may also conduct its activities and exercise its powers in the relevant province with a view to assist and support such a temporary member.

[A 14.1(b) amended by resolution of 14 October 2011;⁽⁹⁴⁾ amended by resolution of 5 October 2012;⁽⁹⁵⁾ further amended by resolution of 4 October 2013⁽⁹⁶⁾]

14.2 The area of a *district member* within a province must as far as reasonably possible be demarcated in accordance with the boundaries of a sports council or similar body, established by the South African Sport Confederation and Olympic Committee and/or by Sport and Recreation South Africa and, once demarcated, may not be changed without a

resolution of the *National Council*.

[A 14.2 substituted by resolution of 5 October 2012⁽⁹⁷⁾]

- 14.3 A provincial member and a district member, where applicable, must as far as reasonably possible demarcate the area of their affiliated clubs in accordance with municipal boundaries so that cross-boundary clubs can be prevented.

[A 14.3 substituted by resolution of 5 October 2012⁽⁹⁸⁾]

- 14.4 ...

[A 14.3 deleted by resolution of 5 October 2012⁽⁹⁹⁾]

- 14.5 The *Management Board* must keep a record of the area of each *district member* and each club, as may be demarcated from time to time, and the particulars of the municipal areas as well as the contact details of the municipalities and the municipal emergency services thereof.

[A 14.5 corrected by resolution of 19 September 2008, amended by resolution of 5 October 2012⁽¹⁰⁰⁾]

15. Termination of membership

- 15.1 The provincial membership or associated membership or temporary membership of *Lifesaving South Africa* is terminated by:-

- (a) the written resignation of a *member*, which resignation becomes effective upon the receipt thereof by *Lifesaving South Africa* and may not be withdrawn unilaterally;
- (b) a resolution of the *National Council*: Provided that such resolution shall be conveyed in writing to the *member* before it will be of any force or effect;
- (c) a written agreement between a *member* and *Lifesaving South Africa*, signed by both parties, with effect from the date agreed upon;
- (d) a dissolution or winding-up of a *member*, with effect from the date thereof;
- (e) a court order granted for the business rescue, or for any similar form of administrative control and supervision, of a *member* concerned, with effect from the date thereof; and
- (f) the dissolution or winding-up of *Lifesaving South Africa*, with effect from the date thereof.

[A 15.1 amended by resolution of 5 October 2012⁽¹⁰¹⁾]

- 15.2 Without derogating from any other right or rights of *Lifesaving South Africa*, any debts due to *Lifesaving South Africa* become payable and/or enforceable upon any termination of such membership.

- 15.3 Upon the termination of the membership of any such member:

- (a) no fees are refundable;
- (b) any personal right, consent or privilege to keep or use or possess any property, equipment, assets, records and/or material of *Lifesaving South Africa* lapses automatically;
- (c) *Lifesaving South Africa* shall be entitled to the immediate transfer and/or delivery to it of all such property, equipment, assets, records and/or material;
- (d) any office or position or capacity, held in or for or on behalf of *Lifesaving South Africa* by any person through such a *member*, is automatically vacated and will be regarded as vacant due to the resignation of such person.

- 15.4 Save as is provided for in article 51, no *member* is entitled to share in or receive or claim any part of the property or assets of *Lifesaving South Africa* upon the termination of membership.

PART D: NATIONAL COUNCIL

16. Status of the National Council

The *National Council* is the highest authority in and the supreme governing body of *Lifesaving South Africa*, responsible for:-

- (a) the control and supervision of the management of *Lifesaving South Africa*;
- (b) the formulation and setting of national policies for *Lifesaving South Africa*;
- (c) the adopting of the political position of *Lifesaving South Africa* in respect of any matter of public interest and affecting *Lifesaving South Africa* or lifesaving in general, either directly or indirectly; and
- (d) all international matters.

17. Composition of the National Council

17.1 The following *members* have a seat and right to vote in the *National Council*:-

- (a) each *provincial member* represented by no more than (2) delegates appointed on behalf of a *provincial member*; and
- (b) the board members of the *Management Board ex officio*;
- (c) ...;
- (d)

[A 17.1(d) inserted by resolution of 9 October 2009]

[A 17.1 amended by resolution of 5 October 2012;⁽¹⁰²⁾ further amended by resolution of 4 October 2013⁽¹⁰³⁾]

17.2 Subject to article 17.3, the appointment of any delegate for the purpose of taking a seat and voting in the *National Council*:-

- (a) shall be confirmed in writing to *Lifesaving South Africa* prior to any meeting of the *National Council*;
- (b) shall be recorded in a letter of appointment issued to every such delegate individually and which letter of appointment shall be available for inspection at all reasonable times during any meeting of or proceedings in the *National Council*;

Provided that the *National Council* may condone any non-compliance with this article and accept the authority of a person to act as delegate for a *provincial member* on reasonable grounds or on verification of the authority of that person to act in such capacity.

[A 17.2 amended by resolution of 5 October 2012⁽¹⁰⁴⁾]

17.3 No person may be appointed as a delegate, on behalf of the *provincial member*, for the purpose of taking a seat and voting in the *National Council*:-

- (a) unless he is affiliated with a *club* and in good standing therewith;
- (b) on behalf of more than one *provincial member* at a time; or
- (c) if he is a board member of the *Management Board*;
- (d) ...;
- (e)

[A 17.3 amended by resolution of 5 October 2012;⁽¹⁰⁵⁾ further amended by resolution of

4 October 2013⁽¹⁰⁶⁾]

- 17.4 Subject to a ruling by the chairperson in terms of article 18.13, the following persons may attend the *National Council* but do not have a right to participate in the discussions thereof or a right to vote therein:-
- (a) one (1) observer nominated on behalf of any temporary member as contemplated in article 10.3;
 - (b) subject to the availability of space at the venue of a meeting, any person who is affiliated with a *club* and who is not otherwise a delegate or observer; and
 - (c) any person invited by the *Management Board*.
- [A 17.4 amended by resolution of 5 October 2012⁽¹⁰⁷⁾]

- 17.5 The appointment of any observer, including an observer contemplated in article 13.2.2, for the purpose of attending a meeting of and/or participating in the *National Council* shall be confirmed in writing to *Lifesaving South Africa* prior to any meeting of the *National Council*: Provided that the *National Council* may condone any non-compliance with this article and accept the appointment of a person to act as observer for an *associated member* or temporary member, as the case may be, on reasonable grounds or on verification of the authority of that person to act in such capacity.

- 17.6 *Lifesaving South Africa* may make such contribution to the costs of any person attending the *National Council* as is decided by the *Management Board* from time to time, but shall be responsible for the travel and accommodation costs of:-
- (a) one (1) delegate on behalf of each *provincial member*; and
 - (b) the board members of the *Management Board*;
 - (c) ...;
 - (d)
- [A 17.6(d) inserted by resolution of 14 October 2011]
[A 17.6 amended by resolution of 4 October 2013⁽¹⁰⁸⁾]

18. Meetings of the National Council

- 18.1 The *National Council* meets:-
- (a) for an *Annual General Meeting*; and
 - (b) for any Special General Meeting.

Annual General Meeting

- 18.2 The *Annual General Meeting* shall take place once a year during the month of July: Provided that under exceptional circumstances the *National Council* may convene an *Annual General Meeting* at any other reasonable time: Provided further that such meeting takes place within eighteen (18) months of the previous *Annual General Meeting*.
- [A 17.6 amended by resolution of 4 October 2013⁽¹⁰⁹⁾]

- 18.3 The *Annual General Meeting* shall deal with and dispose of the following matters in an *open session*:-
- (a) the accreditation of delegates and observers (if any);
 - (b) the presentation of the general report of the *President*;
 - (c) the presentation of the annual report of *Lifesaving South Africa*;

- (d) the presentation of awards;
- (e) the election of *officers* in terms of article 21, to become effective upon the closure of the Annual General Meeting; and
[A 18.3(e) corrected by resolution of 19 September 2008, amended by resolution of 5 October 2012⁽¹¹⁰⁾]
- (f) other matters placed by the *Management Board* on the agenda to be dealt with and disposed of in *open session*.

18.4 The *Annual General Meeting* shall deal with and dispose of the following matters in *closed session*:-

- (a) the ratification of previous minutes;
- (b) the presentation and approval of the management report of the *President*;
- (c) the presentation and approval of the annual financial statements of *Lifesaving South Africa* for the past *financial year*, including the annual budget and the financial report of the *Director* of Finance;
- (d) the presentation and approval of the reports of the *Directors* of Lifesaving, Sport and Drowning Prevention;
[A 18.4(d) amended by resolution of 5 October 2012;⁽¹¹¹⁾ further amended by resolution of 4 October 2013⁽¹¹²⁾]
- (e) the presentation and approval of any other report by any other *officer* or *official* of *Lifesaving South Africa*, as deemed necessary and requested by the *Management Board*;
- (f) any proposals and approvals for the presentation of bravery and other awards;
- (g) all matters pertaining to national policy;
- (h) the strategic and business plan, including the proposed budget, for the next year;
- (i) all matters pertaining to staff of *Lifesaving South Africa*;
- (j) any matter prescribed by *this Constitution*;
- (k) other matters placed by the *Management Board* on the agenda to be dealt with and disposed of in *closed session*; and
- (l) any other matter properly placed on the agenda and capable of being dealt with by the *National Council*.

18.5 The agenda for an *Annual General Meeting* of *Lifesaving South Africa* is determined by the *Management Board* on the following basis:-

18.5.1 All matters proposed to be dealt with and/or disposed of by the *National Council* shall be submitted in writing, by a *provincial member*, a *district member*, an *officer* or an *official* to the *Management Board*, not less than forty-five (45) days before the next scheduled *Annual General Meeting*: Provided that if the proposed matter pertains to a matter which has been delegated or entrusted to a *Board Committee*, it shall also be so submitted to such *Board Committee* for its comment or recommendation (if any) to the *Management Board*.

[A 18.5.1 amended by resolution of 5 October 2012;⁽¹¹³⁾ further amended by resolution of 4 October 2013⁽¹¹⁴⁾]

18.5.2 Such written submissions shall set out:-

- (a) the nature of the matter referred;
- (b) the action to be taken thereon, formulated as a proposed resolution for the agenda;

[A 18.5.2(b) amended by resolution of 5 October 2012⁽¹¹⁵⁾]

- (c) the ground, reason, need, justification and/or motivation for such action to be taken; and
- (d) such additional reports, details, particulars or information as may be required for the taking of an informed decision on the matter.

18.5.3 Such written submissions shall be considered by the *Management Board* and the *Management Board* may:-

- (a) where a written submission pertains to a matter which has been delegated or entrusted to the *Management Board* and in respect of which the *Management Board* has the power to deal with and dispose of it, deal with and dispose of such matter: Provided that where the *Management Board* dealt with and disposed of the same matter previously, such written submission must be dealt with in terms of article 18.5.3(c);
- (b) where a written submission pertains to a matter which has been delegated or entrusted to a *Board Committee* and in respect of which such *Board Committee* has the power to deal with and dispose of it, refer such written submission to the *Board Committee* responsible for that matter to be so dealt with and disposed of: Provided that where the *Board Committee* dealt with and disposed of the same matter previously, such written submission must be dealt with in terms of article 18.5.3(c);

[A 18.5.3(b) amended by resolution of 4 October 2013⁽¹¹⁶⁾]

- (c) where a written submission is not frivolous or vexatious and pertains to a matter capable of being dealt with by the *National Council*, accept such written submission and place it on the agenda to be dealt with and disposed of in either a closed or an *open session*, as the *Management Board* deems fit; or
- (d) where a written submission cannot be dealt with in terms of any of the preceding sub-articles, refuse to accept such written submission for placement on the agenda:

Provided that the *Management Board* shall in writing inform such *provincial member*, district member, *officer* or *official* of the decision of the *Management Board* and, in the case of a decision in terms of article 18.5.3(d) to refuse such written submission for placement on the agenda, furnish reasons for its decision.

[A 18.5.3 amended by resolution of 5 October 2012⁽¹¹⁷⁾]

18.5.4 The agenda shall make provision for and include all such items as are necessary to deal with the matters referred to in article 18.3 and 18.4 and any other matters generally associated with an annual general meeting.

18.5.5 Notwithstanding the provisions of this article, the *Management Board* may and is responsible to place any matter, capable of being dealt with by the *National Council*, on the agenda to be dealt with and disposed of in either a closed or an *open session*, as the *Management Board* deems fit, where the *Management Board* is satisfied that it is necessary, prudent or in the interest of *Lifesaving South Africa* that such matter be dealt with by the *National Council*.

18.5.6 The *Management Board* may prepare and approve one agenda for both the open

and *closed sessions* of the *Annual General Meeting* or may prepare and approve one agenda for the *open session* of the *Annual General Meeting* and another agenda for the *closed session* of the *Annual General Meeting*, as it deems fit.

- 18.6 The notice convening the *Annual General Meeting*, the agenda for the meeting as well as all reports shall be dispatched by pre-paid post to all provincial, regional, associated and temporary members as well as all *officers* of *Lifesaving South Africa* not less than thirty (30) days before the date of the meeting: Provided that if such a *member* or *officer* consented in writing thereto, such notice, agenda and reports may also be dispatched to such a *member* or *officer* by way of any form of electronic communication or by way of any alternative means agreed upon.

[A 18.6 amended by resolution of 5 October 2012⁽¹¹⁸⁾]

- 18.7 The *President* shall conduct the *Annual General Meeting* and act as chairperson until the closure thereof, notwithstanding any election which may take place during the course thereof.

Special General Meeting

- 18.8 A Special General Meeting may take place as and when called for by the *President*:-
- (a) on receipt of a written requisition setting out the reason for such a meeting and signed on behalf of at least fifty percent (50%) of the *provincial members*; or
[A 18.8(a) amended by resolution of 5 October 2012;⁽¹¹⁹⁾ further amended by resolution of 4 October 2013⁽¹²⁰⁾]
 - (b) on a resolution of the *Management Board*: Provided that in the event of a resolution contemplated in article 42.2(e) the *President* shall call for such a meeting without delay.

- 18.9 Any Special General Meeting shall be convened on not less than seven (7) days' notice and such notice:-
- (a) shall specify the reason for calling the meeting; and
 - (b) be accompanied by a copy of the written requisition contemplated in article 18.8(a) or a copy of the resolution contemplated in article 18.8(b).

- 18.10 A Special General Meeting may only deal with the matter for which it has been convened in terms of the written requisition contemplated in article 18.8(a) or the resolution contemplated in article 18.8(b).

General

- 18.11 The quorum for any meeting of the *National Council* is:-
- (a) 50% plus one (1) of the total number of *provincial members*, as represented by the delegate or delegates thereof: Provided that *provincial members* with an interest in *stillwater lifesaving* as well as *provincial members* with an interest in *surf lifesaving* are so represented; and
[A18.11(a) amended by resolution of 5 October 2012⁽¹²¹⁾]
 - (b) 50% plus one (1) of the total number of the other members, as contemplated in article 17.1:

Provided that should no quorum be present thirty (30) minutes after the time stipulated for

commencement of the meeting of the *National Council*:-

- (i) the meeting shall be postponed to the same day at the same time and place in the second consecutive week thereafter; or, should the appointed day be a public holiday, to the same day at the same time and place in the third consecutive week thereafter;
- (ii) written notice shall be given to each of the members contemplated in article 17.1, on the first working day after the day on which the meeting did not take place in consequence of the absence of a quorum, that the meeting shall take place on the day and time as specified above; and
- (iii) should a quorum not be present at the resumed meeting within thirty (30) minutes of the appointed time, such members as are present shall form a quorum and shall be empowered to deal with such matters as may be on the agenda.

18.12 Save as is provided for in *this Constitution*, no person shall be entitled to attend and/or participate in any meeting of the *National Council* as a matter of right and such meetings shall not be open for the public.

18.13 The *President* may exercise all those powers and duties necessary for the orderly and efficient conduct of a meeting of the *National Council*, as the chairperson thereof, including the power to rule on the sequence in which delegates, board members of the *Management Board* or *Board Committees* may address the meeting and the power to rule that a person with no right to participate in the discussions thereof may, upon the request of such a person, be allowed to address the meeting or to participate in the discussions thereof.

[A 18.13 amended by resolution of 5 October 2012;⁽¹²²⁾ further amended by resolution of 4 October 2013⁽¹²³⁾]

18.14 Minutes of every meeting of the *National Council* shall be kept under the auspices of the *President* and such minutes:-

- (a) shall properly record and identify the meeting concerned, the attendance thereof and any decision duly and properly taken at that meeting;
- (b) may contain and record such further information as may be required or decided upon from time to time;
- (c) shall, within thirty (30) days after the conclusion of the meeting, be authenticated by the *President* and deemed to be a true and correct minute of the meeting concerned until such time as that minute is subsequently ratified, with or without any corrections, by the *National Council* at its next meeting;
- (d) after its authentication, shall be distributed by the *Management Board* within seven (7) days:-
 - (i) to all the persons that were entitled to take a seat and vote in that *National Council*;
 - (ii) to all provincial, local, associated and temporary members;

[A 18.14(d) amended by resolution of 5 October 2012;⁽¹²⁴⁾ further amended by resolution of 4 October 2013⁽¹²⁵⁾]
- (e) shall be submitted for ratification to the *National Council* and, if ratified with amendments, a copy of such amendments shall be distributed to the same parties that the unamended minutes were distributed to; and
- (f) shall be kept in safe custody at the administrative headquarters of *Lifesaving South Africa*, together with all annexures and documents pertaining thereto, as a part of a continuous and official record of minutes, in such format as may be prescribed

by the *Management Board*.

18.15 Any person attending or present at any meeting of the *National Council* who conducts himself in a manner that is unbecoming or causes a disturbance of any such meeting, may be called upon by the chairperson of that meeting to stop such conduct or disturbance and/or to apologise to the meeting for such conduct or disturbance and, failing to do so shall be expelled from the meeting: Provided that in addition to any steps taken in terms of this article, such a person may also be charged and dealt with in terms of the *Disciplinary Code*.

19. Powers of the National Council

Subject to *this Constitution*, the *National Council* is capable and empowered to deal with and dispose of the following matters in a general meeting:-

- 19.1 to formulate and set the national policy of *Lifesaving South Africa*;
- 19.2 to designate a person of stature, who provides encouragement and/or financial or other support to *Lifesaving South Africa*, as an honorary patron or honorary vice-patron of *Lifesaving South Africa*, but such designation shall have a symbolic function only and no executive function is thereby imposed upon such a person;
[A 19.2 corrected by resolution of 19 September 2008]
- 19.3 to approve and confirm, vary or reject any decision by the *Management Board* upon a dispute arising from the interpretation of *this Constitution*, the *bye-laws*, the *rules* or the provisions of any handbook or manual of *Lifesaving South Africa*;
- 19.4 to amend *this Constitution* by way of a *special resolution*: Provided that, notwithstanding the provisions of article 18.5.3 and 18.5.5:
- (a) every proposed amendment shall be contained in a separate written submission which in all other respects complies with article 18.5.1 and 18.5.2;
 - (b) such written submission shall be supported in writing by at least two (2) *provincial members*;
[A 19.4(b) amended by resolution of 5 October 2012⁽¹²⁶⁾]
 - (c) such written submission shall be placed by the *Management Board* on the agenda for the *National Council* as a separate item or sub-item;
 - (d) such written submission shall accompany the notice and other documents contemplated in article 18.6;
 - (e) such amendment shall only take effect from a date at least one (1) month after the date upon which the *special resolution*, adopting such amendment, was taken; and
[A 19.4(e) rectified to accord with resolution of 26 October 2007]
 - (f) a copy of such amendment shall be submitted to the Commissioner for the South African Revenue Service within at least one (1) month after the date upon which such amendment took effect.
[A 19.4(f) inserted by resolution of 5 October 2012]
- 19.5 to appoint and, where applicable, mandate delegates, with or without an alternate, to attend any conference, congress or meeting of any nature in or outside of *the Republic* on behalf of and, where applicable, to represent *Lifesaving South Africa* where such attendance or

- representation is regarded to be in the interest of *Lifesaving South Africa*: Provided that:-
- (a) if, before the next *Annual General Meeting*, a delegate has to be appointed and/or mandated to so attend a conference, congress or meeting called on an *ad hoc* basis and/or if, due to unforeseen circumstances or coincidence, a delegate has not been appointed and/or mandated or is no longer available to so attend a conference, congress or meeting in the interest of *Lifesaving South Africa*, such delegate may be appointed and, where applicable, be given a mandate by the *Management Board* to so attend such conference, congress or meeting;
 - (b) no appointment and/or mandating of someone to attend such conference, congress or meeting on behalf of *Lifesaving South Africa* on a regular basis shall be made unless the *Management Board* has recommended the appointment and/or mandating of such person;
 - (c) subject to the availability of funds, the reasonable travelling and accommodation expenses incurred for such attendance and/or representation by any delegate may be paid for or reimbursed or subsidized by *Lifesaving South Africa*;
 - (d) every delegate who has so attended or represented any such conference, congress or meeting shall, within a reasonable time thereafter, furnish the *Management Board* with a written report thereon and, upon request, provide the *Management Board* with such further information and/or detail and/or particulars as may be required or deemed necessary;
- 19.6 to conduct the elections required in terms of *this Constitution*;
- 19.7 to approve and grant applications or nominations for membership in accordance with the provisions of *this Constitution*;
- 19.8 to amend or impose a condition or conditions of any temporary membership granted or approved in terms of article 10;
- 19.9 subject to article 42.2, to appoint a person as the Convenor of the *Disciplinary Committee* and in a *closed session*:
- (a) to note the findings and outcome of each disciplinary hearing conducted by the *Disciplinary Committee*;
 - (b) under exceptional circumstances and in the event of material procedural unfairness or irregularity, to set aside any such disciplinary hearing;
 - (c) to dispose of an appeal as contemplated in article 47.2;
- 19.10 to approve and adopt an annual budget or budgets for the *Management Board*, a *Board Committee* and for any other special programme or project: Provided that such budget or budgets shall allocate and make available, subject to article 25.4(b), separate funds for special pro-active measures or interventions in pursuit of an affirmative action programme for the benefit and development of the disadvantaged communities and/or individuals of *the Republic*;
- [A 19.10 amended by resolution of 5 October 2012;⁽¹²⁷⁾ further amended by resolution of 4 October 2013⁽¹²⁸⁾]
- 19.11 to formulate and set any policy on any national sponsorship for *Lifesaving South Africa* and its members: Provided that, if there is no conflict between the obligations of *Lifesaving*

South Africa in respect of national sponsorship and any other sponsorship, members do not require any approval or authorisation by the *Management Board* for any such other sponsorship;

- 19.12 to approve and adopt statements of account and annual financial statements;
- 19.13 to determine membership fees (which may include a capitation fee) and determine or ratify any other fee, levy or charge (including fees, levies or charges for applications, publications, manuals, handbooks, awards, competitions or any other matter) payable in terms of *this Constitution* and/or a *bye-law* and/or *rule* and/or a decision of the *Management Board*;
[A 19.13 amended by resolution of 19 September 2008;⁽¹²⁹⁾ further amended by resolution of 5 October 2012⁽¹³⁰⁾]
- 19.14 to approve and adopt annual and/or other reports, including reports in respect of ongoing activities or future projects;
- 19.15 to approve and ratify any amendment to any *bye-law* or handbook or manual of *Lifesaving South Africa*, either with or without further amendment;
- 19.16 to reconsider or call for an account of any decision and/or action, either of commission or omission, of any *officer, official, Board Committee*, , committee or other body contemplated in *this Constitution*: Provided that if ratification of any such decision and/or action is required, it may only be ratified if it was taken in good faith and in the interests of *Lifesaving South Africa*;
[A 19.16 amended by resolution of 5 October 2012;⁽¹³¹⁾ further amended by resolution of 4 October 2013⁽¹³²⁾]
- 19.17 to approve and adopt a calendar of activities for *Lifesaving South Africa* and its members, as prepared and submitted by the *Management Board* from time to time;
- 19.18 to approve and authorise the holding of international lifesaving competitions in *the Republic*, whether or not such competitions involves teams from any *provincial member* and/or from any local *club* and/or by invitation and/or participating for purposes of exposure or development;
[A 19.18 amended by resolution of 5 October 2012⁽¹³³⁾]
- 19.19 to approve and authorise the dates and venues of all national championships and/or competitions, including the allocation to *provincial members* of the responsibility for staging such championships and/or competitions in cooperation and consultation with the *Management Board* or the *Sport Committee*, as the case may be;
[A 19.19 amended by resolution of 5 October 2012⁽¹³⁴⁾; further amended by resolution of 4 October 2013⁽¹³⁵⁾]
- 19.20 to approve and authorise all overseas tours by national or other lifesaving teams and/or *officials* and the proposed itineraries thereof: Provided that any such approval and authorisation, once granted, may only be reconsidered for just cause;
[A 19.13 amended by resolution of 19 September 2008⁽¹³⁶⁾]
- 19.21 subject to article 51, to voluntarily dissolve *Lifesaving South Africa* and wind up its affairs;

and

19.22 in general, to take any other resolution called for in *this Constitution* or to take a resolution in pursuit of the main objectives of *Lifesaving South Africa* for implementation by the *Management Board*, any *advisory board*, any *officer* or any *official*.

20. Voting in the National Council

20.1 No voting by proxy in the *National Council* is permissible.

20.2 The members as contemplated in article 17.1 shall have the power to vote in the *National Council* as follows:-

20.2.1 Every *provincial member* shall have two (2) votes plus one (1) additional vote for every four hundred (400) members (based on the figures of active membership as disclosed in the annual written return contemplated in article 13.8.2 that may be used to calculate capitation fees), to cast per any matter requiring a resolution by the *National Council* and the senior delegate of a *provincial member* shall cast those votes in the *National Council* on behalf of the *provincial member* concerned.

[A 20.2.1 corrected by resolution of 19 September 2008; amended by resolution of 17 September 2010;⁽¹³⁷⁾ further amended by resolution of 5 October 2012;⁽¹³⁸⁾ further amended by resolution of 4 October 2013⁽¹³⁹⁾]

20.2.2 Every other member shall have one (1) vote to cast per any matter requiring a resolution by the *National Council* and shall cast that vote in the *National Council* personally.

[A 20.2.2 corrected by resolution of 19 September 2008]

20.3 Voting shall take place by a show of hands: Provided that in the following instances voting shall be conducted by secret ballot:

- (a) any election as required by *this Constitution*;
- (b) any amendment of *this Constitution*; and
- (c) any matter where the chairperson of the meeting deems it necessary or desirable not to vote by a show of hands.

[A 20.3 amended by resolution of 19 September 2008;⁽¹⁴⁰⁾ further amended by resolution of 5 October 2012;⁽¹⁴¹⁾ further amended by resolution of 4 October 2013⁽¹⁴²⁾]

20.4 An *ordinary resolution* by the *National Council* shall be taken by an absolute majority of votes (50% plus 1), of those members present and entitled to vote, in favour thereof: Provided that in the event of a tie, the chairperson shall have a casting vote in addition to his deliberative vote.

[A 20.4 amended by resolution of 4 October 2013⁽¹⁴³⁾]

20.5 A *special resolution* by the *National Council* shall be taken by a two thirds ($\frac{2}{3}$) majority of votes, of those persons present and entitled to vote, in favour thereof and such a *special resolution* is required for:

- (a) any amendment of *this Constitution* as contemplated in article 19.4;
- (b) the approval and granting of membership as contemplated in article 11.3 or article 12.2; and

- (c) the voluntary dissolution of *Lifesaving South Africa* as contemplated in article 19.22 and the winding-up of its affairs in accordance with article 51.

20.6 Except for the matters contemplated in article 20.5, all other matters shall be dealt with by way of an *ordinary resolution*.

21. Election procedure

21.1 The election of *officers of Lifesaving South Africa* shall take place in the following sequence so that a successful election to any office, or the holding of any office for the next term of such office, automatically disqualifies that *officer* as a candidate for any other office of *Lifesaving South Africa* (including an office of a *provincial member* or *district member*), namely:

- (a) the election of the *President of Lifesaving South Africa*, who shall be the next chairperson of the *National Council* and of the *Management Board ex officio*;
- (b) the election of the Vice-President of *Lifesaving South Africa*
- (c) the election of the board members of the *Management Board*;
- (d) the election of the Director of the Lifesaving;
- (e) the election of the Director of Sport;
- (f) the election of the Director of Drowning Prevention; and
- (g) the election of the Director of Finance.

[A 21.1(f) amended by resolution of 14 October 2011⁽¹⁴⁴⁾]

[A 21.1 amended by resolution of 5 October 2012;⁽¹⁴⁵⁾ further amended by resolution of 4 October 2013⁽¹⁴⁶⁾]

21.2 After the election of the *officers of Lifesaving South Africa* as contemplated in article 21.1, the *National Council* shall in sequence elect or appoint the following persons:

- (a) ...;
- (b) one (1) ordinary member of the Financial Committee, representing those *provincial members* with an interest in *surf lifesaving*;
- (c) one (1) ordinary member of the Financial Committee, representing those *provincial members* with an interest in *stillwater lifesaving*; and
- (d) subject to article 42.2, the Convenor of the *Disciplinary Committee*.

[A 21.2(a) deleted by resolution of 4 October 2013⁽¹⁴⁷⁾]

21.3 If there is only one candidate nominated for an office or position, the chairperson shall declare that candidate to be duly elected to the office or position.

21.4 If there are more than two candidates for the office of *President* and no candidate is elected by an absolute majority of votes (50% plus 1) of those present and entitled to vote during the first round of voting, the candidate with the least votes shall be eliminated from the next round of voting until one candidate is elected to the office of *President* by an absolute majority of votes of those present and entitled to vote.

[A 21.4 amended by resolution of 5 October 2012⁽¹⁴⁸⁾]

21.5 If there are more than two candidates for any other office or position, the candidate for such office or position is elected by a majority of votes of those present and entitled to vote: Provided that in the event of a tie, the chairperson shall have a casting vote in addition to his deliberative vote.

- 21.6 The nomination of any candidate for an office or position shall take place in accordance with the procedure for nominations as laid down in a *bye-law*.

PART E: GENERAL MANAGEMENT

22. General management of Lifesaving South Africa

- 22.1 The general management of *Lifesaving South Africa* consists of, and all executive functions in and on behalf of *Lifesaving South Africa* shall be carried out by or under the supervision and control of, the following bodies:-

- (a) the *Management Board*;
- (b) the Lifesaving Committee;
- (c) the Sport Committee;
- (d) the Drowning Prevention Committee;
- (e) the Financial Committee; and
- (f) within the scope and ambit of their mandate, such committees as may be appointed from time to time by the *Management Board* or any *Board Committee*.

[A 22.1 amended by resolution of 14 October 2011;⁽¹⁴⁹⁾ further amended by resolution of 5 October 2012;⁽¹⁵⁰⁾ further amended by resolution of 4 October 2013⁽¹⁵¹⁾]

- 22.2 The general management of *Lifesaving South Africa* shall be accountable to the *National Council* and is in general, subject to *this Constitution* and the policies of the *National Council*, responsible for:-

- (a) executing the functions provided for in *this Constitution*;
 - (b) implementing the resolutions of the *National Council*;
 - (c) coordinating the national interaction between *provincial members*;
- [A 22.2(c) amended by resolution of 5 October 2012⁽¹⁵²⁾]
- (d) administering the affairs and, subject to article 34 and 35, the financial affairs and finances of *Lifesaving South Africa*;
 - (e) pursuing the objectives of *Lifesaving South Africa* as set out in article 6;
 - (f) managing any internal and external development programmes;
 - (g) liaising with the National Government or any other national or international bodies, organisations or institutions.

Management Board

23. Establishment of the Management Board

- 23.1 The *Management Board* consists of the *President*, the Vice-President, the Director of Lifesaving, the Director of Sport, the Director of Drowning Prevention, the Director of Finance and not less than three (3) but not more than five (5) other board members.

[A 23.1 amended by resolution of 4 October 2013⁽¹⁵³⁾; corrected by resolution of 26 July 2014]

- 23.2 The *President*, the Vice-President and every board member of the *Management Board* are *officers of Lifesaving South Africa*.

- 23.3 The *President*, the Vice-President and the board members of the *Management Board* shall be elected, subject to article 13.4, by the *National Council* at an *Annual General Meeting*

to hold office for a period of three (3) years which shall commence from the conclusion of the Annual General Meeting at which the election occurred until the conclusion of the third Annual General Meeting following: Provided that:-

[A 23.3 *in fin* amended by resolution of 5 October 2012;⁽¹⁵⁴⁾ further amended by resolution of 4 October 2013⁽¹⁵⁵⁾]

(a) in the event of the office of *President* becoming vacant, the Vice-President shall act as *President* until the conclusion of the next *Annual General Meeting*;

[A 23.3(a) amended by resolution of 4 October 2013⁽¹⁵⁶⁾]

(b) in the event of the office of the Vice-President becoming vacant (including his acting as *President* as contemplated in sub-article (a) hereof), the *Management Board* shall elect one of the board members to act as Vice-President until the conclusion of the next *Annual General Meeting*;

[A 23.3(b) amended by resolution of 4 October 2013⁽¹⁵⁷⁾]

(c) in the event of any board member vacating his office for any reason before the next *Annual General Meeting*, the *Management Board* may, subject to article 13.4, co-opt a person not already holding an office of *Lifesaving South Africa* (including an office of a *provincial member* or a *district member*, unless that person is allowed to resign in order to be co-opted), to be a board member until the conclusion of the next *Annual General Meeting*: Provided that only an elected board member may act in the office of Vice-President;

[A 23.3(c) amended by resolution of 5 October 2012;⁽¹⁵⁸⁾ further amended by resolution of 4 October 2013⁽¹⁵⁹⁾]

(d) subject to article 13.4 and notwithstanding article 23.1, the *Management Board* may co-opt any person as a non-voting member of the *Management Board* in order to promote transformation, capacity building and succession planning but such a co-opted member shall not as a result thereof be disqualified from holding any other office;

[A 23.3(d) inserted by resolution of 14 October 2011]

(e) the *President* shall not be entitled to serve for longer than two (2) successive terms in that office as defined in *this Constitution*.

[A 23.3(e) inserted by resolution of 4 October 2013]

24. Meetings of the Management Board

24.1 The *Management Board* shall meet on a quarterly basis at such time and place as the *President* may determine and may meet whenever the *President* or three (3) of its members deems it necessary.

24.2 The *Management Board* shall determine its own procedure for meetings, subject thereto that:-

(a) the quorum for any meeting shall be five (5) of its members;

[A 24.2(a) amended by resolution of 4 October 2013⁽¹⁶⁰⁾]

(b) meetings may be held by way of a teleconference or any other form of direct communication;

(c) any decision shall be taken by an absolute majority of votes (50% plus 1) of its members present at or participating in a meeting, with no voting by proxy permitted: Provided that in the event of an equality of votes the *President*, and in his absence the chairperson of the meeting, shall have a casting vote.

[A 24.2(c) proviso inserted by resolution of 14 October 2011; amended by resolution of 5 October 2012⁽¹⁶¹⁾]

24.3 Any decision reduced to writing and signed by all the members of the *Management Board* shall be deemed to be a decision properly taken by the *Management Board* at the place and on the date of the last signature affixed thereto: Provided that such a decision may be taken by e-mail if all the said members use an advanced electronic signature.

[A 24.3 proviso inserted by resolution of 5 October 2012⁽¹⁶²⁾]

24.4 A vacancy on the *Management Board* shall occur:

- (a) upon the death of a *Director*;
- (b) if a *Director* resigns his office by notice in writing;
- (c) if a *Director* is sequestered;
- (d) if a *Director* becomes of unsound mind or a lunatic;
- (e) if a *Director* is disqualified from acting as a director in terms of the Companies Act, Act 71 of 2008 (as amended); and
- (f) if a *Director* is absent for three (3) consecutive meetings, or on a rolling aggregate of fifty percent (50%) or less of meetings over an eighteen (18) month period, of the *Management Board* without prior permission from the *President* or the chairman of such meeting, unless the *Management Board*, upon good cause being shown, declares otherwise.

[A 24.4 amended by resolution of 5 October 2012;⁽¹⁶³⁾ substituted by resolution of 4 October 2013⁽¹⁶⁴⁾]

25. Powers, duties and responsibilities of the Management Board and its members

25.1 The *Management Board* is responsible for the following:

- (a) to exercise all its functions in a manner which is not inconsistent with any policy of the *National Council*;
 - (b) to implement the resolutions of the *National Council* and/or to see to the implementation thereof;
 - (c) to manage and supervise the day-to-day affairs of *Lifesaving South Africa*, including to coordinate any national interaction between *provincial members*;
- [A 25.1(c) amended by resolution of 5 October 2012⁽¹⁶⁵⁾]
- (d) to monitor the activities and functioning of the *Board Committees*;
- [A 25.1(d) amended by resolution of 5 October 2012;⁽¹⁶⁴⁾ further amended by resolution of 4 October 2013⁽¹⁶⁷⁾]
- (e) subject to article 6.4, to appoint and employ, by way of a written contract of employment a *General Manager* and such employees as may be required for the purposes of administering the affairs of *Lifesaving South Africa*, at its administrative headquarters as contemplated in article 7 or at any other place as may be required from time to time, as paid employees of *Lifesaving South Africa* on such terms and conditions as it may deem fit;
 - (f) to appoint volunteers, who need not be members of *Lifesaving South Africa*, on the basis of their expertise as honorary advisors for *Lifesaving South Africa* in the following honorary capacities:-
 - (i) the Legal Advisor of *Lifesaving South Africa*; and
 - (ii) the Medical Advisor of *Lifesaving South Africa*;

Provided that the services of such honorary advisors shall be rendered *pro bono*, subject thereto that such honorary advisors shall only be compensated and/or indemnified by *Lifesaving South Africa* for any disbursements or expenses incurred by such honorary advisors in their capacities as such and in good faith and in the

- best interest of *Lifesaving South Africa*;
- (g) to authorise the *President* or any other officer to enter into legally binding transactions on behalf of *Lifesaving South Africa*;
 [A 25.1(g) amended by resolution of 5 October 2012⁽¹⁶⁸⁾]
- (h) to authorise the *President* to conduct any legal or other dispute-resolution proceedings on behalf of *Lifesaving South Africa*;
- (i) to appoint and mandate such committees as may be required from time to time, consisting of one or more of its *members*, with the power to co-opt any person (who need not be a *member* of *Lifesaving South Africa*), to act on behalf of, or to make recommendations to, the *Management Board* with such delegation of power as may be necessary;
 [A 25.1(i) amended by resolution of 5 October 2012⁽¹⁶⁹⁾]
- (j) with due regard to the interests of *Lifesaving South Africa* and its special commitment as set out in the preamble but subject to article 13.4, appoint a person to act in any vacant office in *Lifesaving South Africa* and/or ratify any such appointment in such vacant office until the next *Annual General Meeting*;
- (k) subject to proper control and measures to prevent any abuse or misappropriation of funds or breach of trust, to incur such expenses and/or make such payments in accordance with, and authorized by, the approved annual budget in the name of *Lifesaving South Africa* as may be required from time to time: Provided that any expense incurred or payment made by or on behalf of *Lifesaving South Africa*, whether made electronically or by cheque or otherwise, shall only be incurred or made on advice of the *Director* of Finance of a sufficiency of funds;
- (l) on a regular basis to establish, maintain, publish and distribute a calendar of the activities of the *Lifesaving South Africa*, as approved by the *National Council*, either gratis or at such charge as may be determined by the *National Council*;
 [A 25.1(l) substituted by resolution of 19 September 2008⁽¹⁷⁰⁾]
- (m) to approve and confirm, vary or reject any decision by a *Board Committee*, committee, *officer* or *official* upon a dispute arising from the interpretation of *this Constitution* or of a *bye-law*, *rule*, handbook or manual of *Lifesaving South Africa*;
 [A 25.1(m) amended by resolution of 5 October 2012;⁽¹⁷¹⁾ further amended by resolution of 4 October 2013⁽¹⁷²⁾]
- (n) to acquire, by purchase, donation subject to the proviso to article 6(3)(a), bequest, exchange, lease or sub-lease, grant, subsidy or otherwise, both movable and immovable property tangible or otherwise, all of which shall be vested in the name of *Lifesaving South Africa* as part of its property and/or assets;
 [A 25.1(n) amended by resolution of 5 October 2012⁽¹⁷³⁾]
- (o) to reconstruct, alter, maintain, administer, manage and control any immovable property acquired or leased by it;
- (p) to enforce, in the name of *Lifesaving South Africa*, compliance with *this Constitution* and the legal obligations of *Lifesaving South Africa* in all matters or proceedings involving *Lifesaving South Africa* and/or its *officers* and/or its *officials* and/or its employees;
- (q) to consult with a *provincial member* in respect of any proposed amendment of the constitution of a *provincial member* and reach consensus with such *provincial member* in respect thereof for the purposes of article 11.4 and/or article 13.10;
 [A 25.1(q) corrected by resolution of 19 September 2008; amended by resolution of 5 October 2012⁽¹⁷⁴⁾]
- (r) to report back to the *National Council*; and
- (s) to carry out such other duties and functions as are required by *this Constitution* or

as may reasonably be required and incidental to any of its other duties, functions or responsibilities.

- 25.2 The *President* and every board member of the *Management Board* shall have the same fiduciary duties and duty of care to *Lifesaving South Africa* as if it was a company and he was a director thereof, with a corresponding liability to *Lifesaving South Africa* in respect of any loss, damage or breach or trust.
- 25.3 The *President* is responsible for the following:
- (a) to act as chairperson for meetings of the *Management Board* and meetings of the *National Council*;
 - (b) to make, after consultation with the other members of the *Management Board*, public statements on national policy or matters of a political nature on behalf of the *National Council* in accordance with the national policy formulated and set by it;
 - (c) if required, to obtain legal advice before entering into legally binding transactions on behalf of *Lifesaving South Africa*;
 - (d) subject to authorisation by the *Management Board* and, where any expenditure is involved, subject to the prior confirmation by the *Director* of Finance of an availability of funds, to enter into legally binding transactions on behalf of *Lifesaving South Africa*: Provided that any contract for the rendering of services to *Lifesaving South Africa* must comply with article 6.4;
 - (e) to conduct such legal or other dispute-resolution proceedings, as were authorised by the *Management Board*, on behalf of *Lifesaving South Africa* and take all steps necessary or incidental or reasonably required to that end, including the instructing of legal representatives and the payment of any expenses incurred in this regard; and
 - (f) to take such urgent steps and decisions on behalf of the *Management Board* as may be dictated by circumstances: Provided that any such steps or decisions shall be reported to the next meeting of the *Management Board* for ratification.
- 25.4 The Vice-President is responsible for the following:
- (a) to supervise and manage those special projects as may be identified by the *National Council* and/or the *Management Board* from time to time;
[A 25.4(a) amended by resolution of 4 October 2013⁽¹⁷⁵⁾]
 - (b) to approve the expenditure of any amount from the funds separately allocated, in accordance with the proviso to article 19.10, for the purposes of such allocation;
[A 25.4(b) corrected by resolution of 14 October 2011]
 - (c) to act, in the absence of the *President* or at his request, as chairperson for meetings of the *Management Board* and meetings of the *National Council*;
 - (d) to make, in the absence of the *President* or at his request and after consultation with the other members of the *Management Board*, public statements on national policy or matters of a political nature on behalf of the *National Council* in accordance with the national policies set by it; and
 - (e) to monitor and report on all matters of transformation affecting *Lifesaving South Africa*.
- 25.5 The board members of the *Management Board* shall have such duties, functions and responsibilities as may be decided upon by the *Management Board* from time to time.

25.6 *Directors' interests and conflicts:*

- (a) A *Director* is disqualified, by holding any place of profit or position of employment in *Lifesaving South Africa*, any union, any company or any incorporated association in which *Lifesaving South Africa* is a shareholder or otherwise interested, from contracting with *Lifesaving South Africa* either as a vendor, purchaser or otherwise except with the express resolution of approval from the *Management Board*: Provided that any such contract or any contract or arrangement entered into by or on behalf of *Lifesaving South Africa* in which any *Director* is in any way interested will be voided for such reason.
- (b) A *Director* shall declare his interest in any:
- (i) contractual matter;
 - (ii) selection matter;
 - (iii) disciplinary matter; or
 - (iv) other financial matter;
- in which a conflict of interest arises or may arise, and shall, unless otherwise determined by the *Management Board*, recuse himself from discussions of such matter and shall not be entitled to vote in respect of such matter: Provided that if the *Director* votes, his vote shall not be counted: Provided further that in the event of any uncertainty as to whether it is necessary for a *Director* to recuse himself from discussions and refrain from voting, the issue should immediately be determined by vote of the *Management Board*, or if this is not possible, the matter shall be adjourned or deferred.
- (c) The nature of the interest of such *Director* must be declared by the *Director* at the meeting of the *Management Board* at which the contract or other matter is first taken into consideration if the interest then exists or in any other case at the first meeting of the *Management Board* after the acquisition of the interest: Provided that if a *Director* becomes interested in a contract or other matter after it is made or entered into the declaration of the interest must be made at the first meeting of the *Management Board* held after the *Director* becomes so interested.
- (d) A general notice, that a *Director* is a member of any specified firm or company and is to be regarded as interested in all transactions with that firm or company, is sufficient declaration under article 25.6(c) as regards such *Director* and the said transactions: Provided that after such general notice it is not necessary for such *Director* to give special notice relating to any particular transaction with that firm or company.
- (e) It is the duty of the *General Manager* to record in the minutes any declaration made or any general notice given by a *Director* in accordance with article 25.6(c) and article 25.6(d).
[Corrected by resolution of 26 July 2014]
- (f) A *Director*, notwithstanding the interest, may be counted in the quorum present at a meeting but cannot vote in respect of any matter in which the *Director* is interested.
[A 25.6 inserted by resolution of 4 October 2013]

26. Bye-laws

- 26.1 Bye-laws of *Lifesaving South Africa*, or any amendment thereof, may be drafted and promulgated for the effective governance, administration, management and functioning of

the organisation but may not be inconsistent with *this Constitution*.

- 26.2 The *Management Board* may prepare and consider any draft bye-law or any draft amendment of a bye-law, and shall consider any draft bye-law or any draft amendment of a bye-law prepared and submitted to it by a *Board Committee* and/or the Financial Committee and/or the *Disciplinary Committee*.

[A 26.2(m) amended by resolution of 5 October 2012;⁽¹⁷⁶⁾ further amended by resolution of 4 October 2013⁽¹⁷⁷⁾]

- 26.3 After consideration of any draft bye-law or any draft amendment of a bye-law, the *Management Board* may:-

- (a) approve and adopt such draft, in its unaltered form, as a bye-law of *Lifesaving South Africa* or as an amendment of a bye-law of *Lifesaving South Africa*;
- (b) refer such draft back to the *Board Committee* or committee that submitted it, for a reconsideration thereof together with the comments and recommendations of the *Management Board* (if any) for the alteration of such draft; or

[A 26.3(b) amended by resolution of 5 October 2012;⁽¹⁷⁸⁾ further amended by resolution of 4 October 2013⁽¹⁷⁹⁾]

- (c) refuse to approve and adopt such a draft.

- 26.4 If such draft bye-law or any draft amendment of a bye-law is approved and adopted by the *Management Board*, the *Management Board* shall:-

- (a) provide such a bye-law or amendment of a bye-law with a title or other means of uniform reference;
- (b) promulgate such bye-law or amendment of a bye-law, under the uniform reference provided to it, by:-

- (i) notifying each *provincial member* and each *associated member* of the decision to so approve and adopt the said bye-law or amendment of a bye-law;

[A 26.4(b)(i) amended by resolution of 5 October 2012⁽¹⁸⁰⁾]

- (ii) providing each such member with a copy of the said bye-law or amendment of a bye-law;
- (iii) instructing each *provincial member* to inform all its *local members* and *temporary members* (if any) of such promulgation or amendment; and

[A 26.4(b)(iii) inserted by resolution of 19 September 2008; amended by resolution of 5 October 2012⁽¹⁸¹⁾]

- (iv) informing each such member of the date upon which the said bye-law or amendment of a bye-law will come into effect;

[A 26.4(b)(iv) renumbered by resolution of 19 September 2008]

- (c) keep proper record of the promulgation of all bye-laws and amendments thereto; and
- (d) prepare and hold an updated and authorised version of the various bye-laws of *Lifesaving South Africa*, as amended from time to time, to be kept at the administrative headquarters of *Lifesaving South Africa* in safe custody and available for inspection by any interested party (who may request a copy thereof at his expense) as the official bye-laws of *Lifesaving South Africa*.

- 26.5 The *Management Board* shall submit all bye-laws or any amendments thereto to the *National Council* for notification, ratification and approval: Provided that the *National Council* may refer any bye-law or amendment thereof, either in whole or in part, back to the

Management Board for reconsideration: Provided further that such referral and/or such reconsideration shall not affect the validity or the force and application of any bye-law or amendment thereof, either in whole or in part.

Board Committees

[Heading substituted by resolution of 5 October 2012;⁽¹⁸²⁾ substituted by resolution of 4 October 2013⁽¹⁸³⁾]

27. Establishment of the Board Committees

[Heading amended by resolution of 5 October 2012;⁽¹⁸⁴⁾ further amended by resolution of 4 October 2013⁽¹⁸⁵⁾; corrected by resolution of 26 July 2014]

27.1 In order to regulate and administer the specialised core activities of *Lifesaving South Africa*, the following *Board Committees* are hereby established to function as separate management units under the supervision and control of the *Management Board*:

- (a) the Lifesaving Committee;
[Corrected by resolution of 26 July 2014]
- (b) the Sport Committee;
[Corrected by resolution of 26 July 2014]
- (c) the Drowning Prevention Committee; and
[A 27.1(c) amended by resolution of 14 October 2011⁽¹⁸⁶⁾; corrected by resolution of 26 July 2014]
- (d) the Financial Committee;
[A 27.1(d) inserted by resolution of 4 October 2013; corrected by resolution of 26 July 2014]

to function on the basis that:-

- (i) the rendering of lifesaving, sport and other related services to the community as set out in article 6.1 shall be pursued, maintained and improved by the *Board Committees* in accordance with any policy formulated and/or goals set by the *National Council*;
- (ii) the *Board Committees* shall pursue a standard of excellence for the rendering of such lifesaving, sport and other related services in accordance with any strategic policies or goals, including goals formulated in consequence of the commitment of *Lifesaving South Africa* to transformation, as formulated and set by the *National Council*.

[A 27.1 amended by resolution of 5 October 2012;⁽¹⁸⁷⁾ further amended by resolution of 4 October 2013⁽¹⁸⁸⁾]

27.2 Each *Board Committee* shall consists of:-

- (a) a *Director* of that *Board Committee*;
- (b) subject to article 13.4(f) and article 32.1, not more that two (2) persons per *provincial member*: Provided that any such person is not a member of the *Management Board of Lifesaving South Africa* and is nominated, either individually or on the basis of his office, by the *provincial member* within three (3) weeks after each *Annual General Meeting* through a written notice to the *General Manager*, failing which the *Director* of the *Board Committee* may co-opt any person from a province for which there was no nomination; and
[A 27.2(b) amended by resolution of 17 September 2010⁽¹⁸⁹⁾; further amended by resolution of 25 July 2015⁽¹⁹⁰⁾]
- (c) any representative or nominee of an *associated member* or any *local member* co-opted, with the consent of such a person, by the *Director* of the *Board Committee* in question on the basis of relevant experience or knowledge.

[A 27.2 amended by resolution of 5 October 2012;⁽¹⁹¹⁾ further amended by resolution of 4 October 2013⁽¹⁹²⁾]

- 27.3 Every *member* of such a *Board Committee* holds office until the date three (3) weeks after the date of each *Annual General Meeting*: Provided that the office of a serving *Board Committee member* is extended to such next date when the nomination of that *member* is confirmed by the relevant *provincial member* and/or when the appointment of that *member* is confirmed by the *Director* of the *Board Committee*.

[A 27.3 amended by resolution of 5 October 2012;⁽¹⁹³⁾ deleted by resolution of 4 October 2013⁽¹⁹⁴⁾; new A 27.3 inserted by resolution of 30 July 2016]

- 27.4 ...

[A 27.4 amended by resolution of 5 October 2012;⁽¹⁹⁵⁾ deleted by resolution of 4 October 2013⁽¹⁹⁶⁾]

28. Meetings of a *Board Committee*

[Heading amended by resolution of 5 October 2012;⁽¹⁹⁷⁾ further amended by resolution of 4 October 2013⁽¹⁹⁸⁾]

- 28.1 A *Board Committee* may meet whenever the *Director* thereof or three (3) of its members deem it necessary, and shall meet for the purpose of:-
- (a) regulating and/or administering and/or planning the specialised core activity entrusted to it in terms of the *bye-laws* of *Lifesaving South Africa*;
 - (b) preparing any draft *bye-law* or any draft amendment of a *bye-law*, for the submission thereof to the *Management Board* for its consideration in terms of article 26;
 - (c) planning and managing projects;
 - (d) reporting to the *Management Board* and/or the *National Council* on any matter, either in general or in particular and with or without a specific recommendation;
 - (e) co-operating with any other *Board Committee* or any committee of *Lifesaving South Africa*; and
 - (f) finalising any budget, report, statement or account to be submitted to the Financial Committee.

[A 28.1 amended by resolution of 5 October 2012;⁽¹⁹⁹⁾ further amended by resolution of 4 October 2013⁽²⁰⁰⁾]

- 28.2 A *Board Committee* shall determine its own procedure for meetings, subject thereto that:-
- (a) the quorum for any meeting of a *Board Committee* shall be the *Director* thereof together with at least 50% plus 1 of the members of such a *Board Committee*;
 - (b) meetings may be held by way of a teleconference or any other form of direct communication;
 - (c) any decision shall be taken by an absolute majority of votes (50% plus 1) of the members of such a *Board Committee* present at or participating in a meeting, with no voting by proxy permitted;
 - (d) the minutes of such meetings shall, within a reasonable time, be forwarded to the administrative headquarters of *Lifesaving South Africa* for purposes of record and safekeeping.

[A 28.2 amended by resolution of 5 October 2012;⁽²⁰¹⁾ further amended by resolution of 4 October 2013⁽²⁰²⁾]

28.3 Any decision reduced to writing and signed by an absolute majority of votes (50% plus 1) of the members of a *Board Committee* (excluding the *Director* thereof) shall be deemed to be a decision properly taken by such a *Board Committee* at the place and on the date when the *Director* thereof countersigns such written decision: Provided that such a decision may be taken by e-mail if all the said members use an advanced electronic signature.

[A 28.3 amended by resolution of 5 October 2012;⁽²⁰³⁾ further amended by resolution of 4 October 2013⁽²⁰⁴⁾; corrected by resolution of 26 July 2014]

29. Duties and responsibilities of *Board Committees*

[Heading amended by resolution of 5 October 2012;⁽²⁰⁵⁾ further amended by resolution of 4 October 2013⁽²⁰⁶⁾]

29.1 The specialised core activity entrusted to a *Board Committee*, together with the terms of reference of each *Board Committee*, shall be as formulated and set out in the *bye-laws* of *Lifesaving South Africa*.

[A 29.1 amended by resolution of 5 October 2012;⁽²⁰⁷⁾ further amended by resolution of 4 October 2013⁽²⁰⁸⁾]

29.2 Each *Board Committee* and the members thereof shall carry out all the duties and responsibilities imposed upon a *Board Committee* in terms of *this Constitution* and in terms of the *bye-laws* of *Lifesaving South Africa*.

[A 29.2 amended by resolution of 5 October 2012;⁽²⁰⁹⁾ further amended by resolution of 4 October 2013⁽²¹⁰⁾]

29.3 A *Board Committee* shall be responsible for the implementation and administration of any and each special project for the rendering of lifesaving-, sport-, education-, research- and development- related services:-

- (a) entrusted to it by the *National Council* and/or the *Management Board*;
- (b) assigned to it in writing by one or more *provincial members* with the request to implement and administer such project; or
- (c) initiated by it.

[A 29.3 amended by resolution of 5 October 2012;⁽²¹¹⁾ further amended by resolution of 4 October 2013⁽²¹²⁾]

29.4 Every *Board Committee* shall prepare and have a separate budget, to be approved by the *Management Board* on recommendation from the Financial Committee and by the *National Council* on recommendation from the *Management Board*, setting out and specifying expected sources of income and allocations of the itemised expenditure expected or planned for.

[A 29.4 amended by resolution of 5 October 2012;⁽²¹³⁾ further amended by resolution of 4 October 2013⁽²¹⁴⁾]

29.5 Subject to articles 34 and 35, the *Director* of a *Board Committee* shall be responsible and accountable for the due and proper performance of that *Board Committee* within the budget approved and authorised for that *Board Committee*.

[A 29.5 amended by resolution of 5 October 2012;⁽²¹⁵⁾ further amended by resolution of 4 October 2013⁽²¹⁶⁾]

29.6 The *Director* of a *Board Committee* shall be responsible for the coordination of the activities of the committees appointed by such *Director* in terms of article 30 and shall account for those activities to the *Management Board* and to *National Council*.

[A 29.5 amended by resolution of 5 October 2012;⁽²¹⁷⁾ further amended by resolution of 4 October 2013⁽²¹⁸⁾]

30. Subcommittees of *Board Committees*

[Heading amended by resolution of 5 October 2012;⁽²¹⁹⁾ further amended by resolution of 4 October 2013⁽²²⁰⁾]

30.1 Each *Director* of a *Board Committee* shall, after consultation with the other *Directors*, establish and appoint one or more such subcommittees under his *Board Committee* as was agreed upon between the *Directors* and as are deemed necessary for the allocation of specific functional areas of responsibility to subcommittees, including but not restricted to the following functional areas of responsibility:-

- (a) duties and patrols;
- (b) bravery awards;
- (c) general and/or other awards;
- (d) research;
- (e) education;
- (f) examinations and qualifications: Provided that any subcommittee established for this purpose shall include the *Director* for Lifesaving and the chief examiner of each *provincial member*;
- (g) competitions;
- (h) training;
- (i) *officials*;
- (j) competition or sports *rules*; and
- (k) a forum for consultation with competitors: Provided that any subcommittee established for this purpose shall include the *Director* of Sport and one (1) representative of each *provincial member*.

[A 30.1 amended by resolution of 5 October 2012;⁽²²¹⁾ further amended by resolution of 4 October 2013⁽²²²⁾; corrected by resolution of 26 July 2014]

30.2 The *Director* of a *Board Committee* may appoint such number of persons on a subcommittee as he deems necessary: Provided that:-

- (a) unless the bye-laws stipulate otherwise, a *member* of subcommittee holds office for a period of two (2) years);

[A 30.2(a) deleted by resolution of 17 September 2010⁽²²³⁾; new A 30.2(a) inserted by resolution of 30 July 2016]

- (b) such a person is a person as contemplated in article 12.4 or article 13.5.

[A 30.2 amended by resolution of 5 October 2012;⁽²²⁴⁾ further amended by resolution of 4 October 2013⁽²²⁵⁾]

30.3 Each subcommittee so established and appointed under a *Board Committee*:-

- (a) shall be responsible for carrying out the functions so allocated in accordance with *this Constitution*, any policy formulated and set by the *National Council*, any applicable *bye-law* and any directives of the *Board Committee*;
- (b) shall elect or appoint its own convenor; and
- (c) shall determine its own procedures.

[A 30.3 amended by resolution of 5 October 2012;⁽²²⁶⁾ further amended by resolution of 4 October 2013⁽²²⁷⁾]

30.4 The convenor of a subcommittee may, after consultation with the *Director* for that

subcommittee and with the approval of the subcommittee, co-opt a person who would otherwise have qualified for an appointment thereon by the *Director* in terms of article 30.2.

[A 30.4 amended by resolution of 5 October 2012;⁽²²⁸⁾ further amended by resolution of 4 October 2013⁽²²⁹⁾]

31. Rules

31.1 Rules, or any amendment thereof, may be drafted and promulgated for the effective regulation, administration, setting of standards and carrying out of the activities of *Lifesaving South Africa* consistent with the *bye-laws* but may not be inconsistent with *this Constitution* or with any policy formulated and/or goals set by the *National Council*.

31.2 A *Board Committee* may prepare any draft rule or any draft amendment of a rule, pertaining to the specific core activity an/or functional areas for which it is responsible and including where applicable, but not restricted to, any such draft rule or any such draft amendment of a rule for the following matters:-

(a) the issue, amendment or updating of training manuals, instruction manuals or duty manuals;

[A 31.2(a) amended by resolution of 14 October 2011⁽²³⁰⁾]

(b) the issue, amendment or updating of competition or other event rules: Provided that such a draft is calculated to promote compliance with the international standards and rules for competitions set by *International Lifesaving*;

(c) the examinations or other qualifications required for a *lifeguard* to render lifeguard services, patrols and duties;

(d) the equipment essential, required or recommended for any lifeguard patrols, duties or sporting event;

(e) the duty uniform and standard colours required for any lifeguard patrols or duties;

(f) the terms and conditions of any lifeguard service to be rendered;

(g) medical matters;

and shall prepare or co-operate in the preparation of such a draft on any other matter when instructed by the *Management Board* to do so, in consultation with such *Board Committee* as the *Management Board* may require.

[A 31.2 amended by resolution of 5 October 2012;⁽²³¹⁾ further amended by resolution of 4 October 2013⁽²³²⁾]

31.3 A *Board Committee*, after consultation with the *Management Board*, may approve and adopt such a draft, prepared in accordance with this article, as a rule of *Lifesaving South Africa* or as an amendment of a rule of *Lifesaving South Africa*: Provided that upon the expiry of a period of thirty (30) days after such a draft was submitted to the *Management Board* for the purposes of consultation and comment, but without having received any response or comment from the *Management Board*, it will be deemed that there has been proper consultation with the *Management Board*.

[A 31.3 amended by resolution of 5 October 2012;⁽²³³⁾ further amended by resolution of 4 October 2013⁽²³⁴⁾]

31.4 After such a draft rule or draft amendment of a rule was approved and adopted by a *Board Committee*, that *Board Committee* shall without any delay:-

(a) provide such a rule or amendment of a rule with a title or other means of uniform reference;

- (b) promulgate such rule or amendment of a rule, under the uniform reference provided to it, by:-
- (i) notifying the *Management Board*, each *provincial member*, each *local member* and each *associated member* of the decision to so approve and adopt the said rule or amendment of a rule;
 - (ii) providing the *Management Board* and each such member with a copy of the said rule or amendment of a rule, which member shall be responsible for the further distribution thereof to *local members* and/or interested parties and/or persons affected thereby; and
 - (iii) informing each such member of the date, as determined by the *Director* of that *Board Committee* in consultation with the *Management Board*, upon which the said rule or amendment of a rule will come into effect;
- (c) keep proper record of the promulgation of all rules and amendments thereto; and
- (d) prepare and hold an updated and authorised version of the various rules of *Lifesaving South Africa*, as amended from time to time, to be kept at the administrative headquarters of *Lifesaving South Africa* in safe custody and available for inspection by any interested party (who may request a copy thereof at his expense) as the official rules of *Lifesaving South Africa*.

[A 31.4 amended by resolution of 5 October 2012;⁽²³⁵⁾ further amended by resolution of 4 October 2013⁽²³⁸⁾]

- 31.5 The *Management Board* and/or *Board Committees* shall submit all rules or any amendments thereto to the *National Council* for notification, ratification and approval: Provided that the *National Council* may refer any rule or amendment thereof, either in whole or in part, back to a *Board Committee* for reconsideration: Provided further that such referral and/or such reconsideration shall not affect the validity or the force and application of any rule or amendment thereof, either in whole or in part.

[A 31.5 amended by resolution of 5 October 2012;⁽²³⁷⁾ further amended by resolution of 4 October 2013⁽²³⁸⁾]

PART F: FINANCIAL MANAGEMENT

32. Establishment of the Financial Committee

- 32.1 The Financial Committee of *Lifesaving South Africa* consists of the following members:-
- (a) the *Director* of Finance, who shall be the chairperson of the Financial Committee;
 - (b) the Vice-President *ex officio*;
 - (c) the *General Manager ex officio* (if one is appointed);
 - (d) one (1) ordinary male *member* and one (1) ordinary female *member*. Provided that if the nominations for election at an *Annual General Meeting* are such that this requirement cannot be complied with or if after reasonable efforts a vacancy cannot be filled by the *Director* of Finance through co-opting a *member* between such elections in accordance with this requirement, any two ordinary *members*;
- [A 32.1(d) substituted by resolution of 30 July 2016⁽²³⁹⁾]
- (e) ...
- [A 32.1(e) deleted by resolution of 30 July 2016⁽²⁴⁰⁾
[A 32.1 amended by resolution of 5 October 2012⁽²⁴¹⁾]

- 32.2 The *Director* of Finance and the two ordinary members of the Financial Committee shall

be elected, subject to article 13.4, by the *National Council* at an *Annual General Meeting* to serve on the Financial Committee for a period of three (3) years: Provided that the person elected as *Director* of Finance shall be a fit and proper person with the financial knowledge, administrative competence and appropriate qualifications or experience required to administer the financial affairs, budgets, records, accounts and funds of *Lifesaving South Africa*.

[A 32.2 amended by resolution of 5 October 2012;⁽²⁴²⁾ further amended by resolution of 4 October 2013⁽²⁴³⁾]

- 32.3 The Financial Committee shall determine the procedures for its meetings: Provided that the *President* of the *Management Board* or a *Director* of a *Board Committee*, either in person or through a representative nominated by him, may attend any such meeting and address the Financial Committee or participate in its deliberations, but such a person shall not have the right to vote on any matter at such meeting or participate in any decision-making by the Financial Committee.

[A 32.3 amended by resolution of 5 October 2012;⁽²⁴⁴⁾ further amended by resolution of 4 October 2013⁽²⁴⁵⁾]

33. Duties and responsibilities of the Director of Finance

- 33.1 The *Director* of Finance, with the other members of the *Management Board* and of the *Financial Committee* jointly and severally, is responsible and accountable for the finances and the financial affairs of *Lifesaving South Africa* and shall manage such finances and affairs in the manner provided for in *this Constitution*.

[A 33.1 amended by resolution of 5 October 2012⁽²⁴⁶⁾]

- 33.2 The responsibility for the finances and the financial affairs of *Lifesaving South Africa* includes the responsibility:-

- (a) to administer and/or manage and/or supervise and/or control budgets, records, accounts and funds of *Lifesaving South Africa*;
- (b) to ensure that the *General Manager* (if one is appointed) gives a monthly feedback to the *Management Board*, to the satisfaction of the *Financial Committee*, of all fundraising efforts and financial transactions of and involving *Lifesaving South Africa*, including the detail of all income received and/or expenditure incurred and/or payments made as well as the collection of all monies or debts due and owing;

[A 33.2(b) amended by resolution of 19 September 2008;⁽²⁴⁷⁾ further amended by resolution of 5 October 2012⁽²⁴⁸⁾]

- (c) to investigate, consider, advise and recommend to the *Management Board* and/or the *National Council* a financial and investment policy or the requirements thereof;
- (d) to prepare of a financial plan for *Lifesaving South Africa* and the management thereof, taking into consideration the national policies, strategic direction and management capacity of *Lifesaving South Africa*;
- (e) to ensure that the audit of the financial books and records of *Lifesaving South Africa* as well as the audited and certified annual financial statements thereof as well as any financial reports required for an *Annual General Meeting* are completed in time for the convening of such a meeting;
- (f) to ensure that a reliable and complete register of assets of *Lifesaving South Africa* is kept and administered; and
- (g) to ensure that all financial books, records, statements, documents, exhibits, plans,

vouchers or other similar documents are kept in safe custody.

- 33.3 The finances and the financial affairs of *Lifesaving South Africa* are managed in accordance with the objectives of *Lifesaving South Africa*, without a profit motive by *Lifesaving South Africa* or any of its members, and consequently the *Director* of Finance shall ensure that all income of any nature shall be used for attaining the objectives of *Lifesaving South Africa* in full compliance with the provisions of article 5 and article 6.
- 33.4 The *Director* of Finance shall:-
- (a) at meetings of the *Management Board* provide it with all such information, detail, answers or explanations with regard to any of the financial affairs of *Lifesaving South Africa* as may be required or requested, either at such meetings or as soon as possible thereafter;
 - (b) ...
[A 33.4 amended by resolution of 4 October 2013⁽²⁴⁹⁾]
- 33.5 The *Director* of Finance or any member of the Financial Committee may, and if requested to do so by a *Director* of a *Board Committee*, shall, attend any meeting of the *Board Committee* in question and at such a meeting:-
- (a) the person so attending shall fully provide such *Board Committee* with all such information, detail, answers or explanations with regard to any of the financial affairs of *Lifesaving South Africa* as may be required or requested, either at that meeting or as soon as is possible thereafter;
 - (b) ...
[A 33.5 amended by resolution of 19 September 2008;⁽²⁵⁰⁾ further amended by resolution of 5 October 2012;⁽²⁵¹⁾ further amended by resolution of 4 October 2013⁽²⁵²⁾]
- 33.6 The *Director* of Finance shall attend every meeting of the *National Council* and:-
- (a) at its *Annual General Meeting*, shall deliver a financial report in respect of the business and activities of *Lifesaving South Africa* during the preceding year, which financial report shall:-
 - (i) set out the general financial state of *Lifesaving South Africa*;
 - (ii) submit the budget proposal of the *Management Board* for consideration and approval by the *Annual General Meeting*;
 - (iii) include a separate report of the business of the Financial Committee;
 - (iv) mention such financial affairs or matters as may need the attention of *Lifesaving South Africa*; and
 - (b) when called upon to do so, shall fully account to the *National Council* with regard to any of the finances or financial affairs of *Lifesaving South Africa*.
[A 33.6 amended by resolution of 9 October 2009;⁽²⁵³⁾ further amended by resolution of 5 October 2012;⁽²⁵⁴⁾ further amended by resolution of 4 October 2013⁽²⁵⁵⁾]

34. General budgetary provisions

- 34.1 The *National Council* shall decide on the finances and financial affairs of *Lifesaving South Africa* on the advice of the *Management Board*.
- 34.2 The *Management Board* shall advise the *National Council* on any matter concerning the finances or financial affairs of *Lifesaving South Africa* only after having considered a report,

recommendation or advice from the Financial Committee.

- 34.3 The Financial Committee shall annually prepare a budget for the *financial year* on the basis of advice of the *Management Board* and of the *Board Committees* and/or of any other committee of *Lifesaving South Africa*, which budget shall also contain the approved annual budget of the previous *financial year* and shall also distinguish between recurring debts or running obligations and other debts or obligations: Provided that such a budget shall be consistent with the national policies, strategic direction and management capacity of *Lifesaving South Africa*.

[A 34.3 corrected by resolution of 19 September 2008; amended by resolution of 5 October 2012;⁽²⁵⁶⁾ further amended by resolution of 4 October 2013⁽²⁵⁷⁾]

- 34.4 The Financial Committee shall submit such annual budget to the *Management Board* and, after approval of such annual budget by the *Management Board*, either as submitted or as amended in consultation with the Financial Committee, the *Management Board* shall submit such annual budget, as approved or amended, in the form of a budget proposal to the *National Council* for consideration at an *Annual General Meeting*.

- 34.5 An approval of the annual budget, as proposed to the *National Council* in its *Annual General Meeting*, serves as an authorisation to the *Management Board* to incur such expenses as are provided for in the approved annual budget: Provided that the necessary funds are indeed available.

[A 34.5 corrected by resolution of 19 September 2008]

- 34.6 When incurring such expenses or making such payments as are provided for by the approved annual budget, the *Management Board* shall act only on advice of the *Director of Finance* who, in such advice, takes into account the healthy control of the finances and financial affairs of *Lifesaving South Africa*.

- 34.7 Expenses not provided for in the approved annual budget shall only be incurred (1) under exceptional and urgent circumstances after express approval by the *Management Board* on advice of the *Director of Finance*, which expense and approval must be specifically reported to the *National Council* at the next *Annual Meeting* and ratified, or (2) in terms of a special financial resolution of the *National Council* at a *Special General Meeting*, which resolution shall only be taken by the *National Council* after a financial proposal from the *Financial Committee* was submitted and accepted by the *Management Board* for recommendation to the *National Council*: Provided that such a special financial resolution shall have the same force and effect as the current approved annual budget and becomes part thereof.

[A 34.7 amended by resolution of 5 October 2012⁽²⁵⁸⁾]

35. Financial administration

- 35.1 Subject to proper control and measures to prevent any abuse or misappropriation of funds or breach of trust, the *Financial Committee* shall arrange for the opening and conducting of such banking, savings, investment and other accounts with a bank, as defined in section 1 of the *Banks Act 94 of 1990* or any amendment or substitution thereof, in the name of *Lifesaving South Africa*, as may be required from time to time, on the following basis:-

- 35.1.1 The address for correspondence with or from a bank in respect of all such accounts shall be the address mentioned in article 7.1.
- 35.1.2 The Financial Committee may only entrust persons elected to a position on the *Management Board* or the Financial Committee with a signing power on behalf of *Lifesaving South Africa* in respect of any such account or accounts: Provided that, in addition to the *Director* of Finance, at least two other persons shall at all relevant times be so entrusted.
- 35.1.3 No withdrawal or transfer from any such bank account or accounts and no signing of any cheque may be effected by the persons so entrusted with a signing power on behalf of *Lifesaving South Africa* other than in accordance with an approved budget or a special approval by the *Management Board* in terms of article 34.7: Provided that any cheque or instrument for such withdrawal or transfer shall be co-signed or authorised by at least two such persons.
[A 35.1.3 corrected by resolution of 19 September 2008; amended by resolution of 5 October 2012⁽²⁵⁹⁾]
- 35.1.4 The *Management Board* shall deliver a written statement to such bank, setting out the names of the persons so entrusted with a signing power on behalf of *Lifesaving South Africa* and the minimum number of persons required to co-sign or authorise any cheque or instrument for a withdrawal or transfer from any such bank account or accounts.
[A 35.1.4 corrected by resolution of 19 September 2008]
- 35.2 Only the *Director* of Finance may receive income of *Lifesaving South Africa* and such income shall as soon as possible after receipt thereof be deposited by the *Director* of Finance in a bank account, opened for that purpose in the name of *Lifesaving South Africa*, with a bank as defined in section 1 of the Banks Act 94 of 1990 or any amendment or substitution thereof: Provided that the *Director* of Finance may assign this duty in writing to either the *General Manager* (if one is appointed) or, with the prior consent of the *Management Board* and of the Financial Committee, to any other person in the employment of *Lifesaving South Africa*.
[A 35.2 amended by resolution of 5 October 2012⁽²⁶⁰⁾]
- 35.3 No moneys of *Lifesaving South Africa* shall be expended without first having been deposited in such bank account.
- 35.4 The finances and the financial affairs of *Lifesaving South Africa* shall be continuously recorded by or under the supervision and control of the *Director* of Finance by such method or means, and in such books or records and exhibits, as may be advised by the auditor of *Lifesaving South Africa* to be healthy accountancy practice.
- 35.5 No expenses allegedly incurred for and on behalf of *Lifesaving South Africa* without prior authorization by the *Management Board* shall be compensated to anyone except and until the *National Council* has authorized such compensation.
- 35.6 No person may, either directly or indirectly, receive any form of compensation or remuneration, including commission or any benefits in cash or in kind, in respect of or as

a result of or incidental to any fundraising or sponsorship for *Lifesaving South Africa* from third parties and all funds raised or sponsorships obtained for or on behalf of or in the name of *Lifesaving South Africa* from such third parties shall be made available and/or shall be used solely for the benefit of *Lifesaving South Africa*: Provided that:-

- (a) the *Management Board* may, if it deems it to be in the interest of *Lifesaving South Africa*, assign the duty of raising funds or obtaining sponsorships from third parties to a specific person or employee in writing and on terms and conditions permitting a commission of no more than 25% (twenty-five percent);
- (b) *Lifesaving South Africa* shall be entitled to 5% (five percent) of any funds raised or sponsorships obtained from third parties by any *provincial member*, temporary member or *local member* in connection with national projects, national events or national championships, and such percentage may be used by *Lifesaving South Africa* in its discretion for any lawful purpose, including a purpose other than the one for which the funds were raised or the sponsorships obtained;
- (c) subject to article 35.5, the provisions hereof shall not prevent the payment of reasonable and actual expenses incurred in good faith for the purpose of raising funds or obtaining sponsorships.

[A 35.6 amended by resolution of 5 October 2012⁽²⁶¹⁾]

35.7 The Financial Committee shall ensure at all relevant times that the requirements of the South African Revenue Services, for the continued approval of Lifesaving South Africa as an approved Public Benefit Organisation under section 30(3) of the Income Tax Act 58 of 1962 (as amended) and/or for the proper administration of all donations received under section 18A thereof and/or for all other provisions thereof applicable to Lifesaving South Africa as an approved Public Benefit Organisation, are met and/or complied with, inter alia by means of:

- (a) ensuring that Lifesaving South Africa issues receipts for donations in conformity with the requirements of section 18(2) and section 18A(2A) thereof;
- (b) ensuring that Lifesaving South Africa will, within 12 months after the end of the financial year, distribute at least fifty per cent (50 %) of all funds received by way of donation during that year in respect of which receipts were issued; and
- (c) ensuring that Lifesaving South Africa obtains and retains an audit certificate confirming that all donations received or accrued in that year, in respect of which receipts were issued in terms of section 18(2) thereof, were utilised in the manner contemplated in section 18(2A) thereof.

[A 35.7 inserted by resolution of 25 July 2015]

36. Auditors

36.1 The *National Council* shall at an *Annual General Meeting* appoint a qualified auditor, who may not be an *officer of Lifesaving South Africa* or a *member* of the Financial Committee, to audit the financial books and records of *Lifesaving South Africa* and to draw and certify its annual financial statements for each *financial year*.

36.2 The certified and audited annual financial statements for each *financial year* shall be submitted by the *Director of Finance*, through the *Management Board*, to the *National Council* for consideration and approval thereof at the first possible *Annual General Meeting* after such statements have become available.

36.3 If for good cause a *provincial member*, a *temporary member* or *local member* prefers to appoint a person other than a qualified auditor to *audit* the financial books and records of such a *member* and to draw and certify the annual financial statements of such a *member* for a *financial year*, such a person may be appointed as a competent person for such purposes only after his appointment has been approved by the *Director* of Finance and the *Management Board*.

[A 36.3 amended by resolution of 5 October 2012⁽²⁶²⁾]

37. Arrears and penalties

37.1 Where any amount is due and payable to *Lifesaving South Africa* by any member but the payment thereof is outstanding or a *member* is in arrears therewith, such a *member* shall be liable to *Lifesaving South Africa* for the payment of interest on such amount calculated from the date upon which the said amount became due until the date of the payment thereof and at the prescribed legal rate.

37.2 The *Management Board* may, in addition to any interest charged in terms of article 37.1, hold such a *member* liable for any costs whatsoever incurred by *Lifesaving South Africa* in the collection of such amount or in the enforcement of the payment thereof, including any expenditure on legal disbursements and fees at a scale as between attorney and client or on collection fees and commission.

37.3 A *provincial member* with a *local member*, a *district member* with a *club* affiliated to it and a *club* with any of the persons affiliated to it shall be jointly and severally liable to *Lifesaving South Africa* and be co-debtors in respect of any debt due and payable to *Lifesaving South Africa* by such *local member* or such affiliated *club* or such affiliated person respectively, including an amount for interest payable in terms of article 37.1 and/or for costs payable in terms of article 37.2: Provided that on just cause shown the *Management Board* may, after consultation with the *Director* of Finance, excuse any such debtor or co-debtors from payment of a particular debt on such terms and conditions as it deems fit.

[A 37.3 inserted by resolution of 5 October 2012]

37.4 The *Management Board* may, where any *provincial member* or *associated member* or *local member* is more than three (3) months in arrears with the payment of any amount due and payable to *Lifesaving South Africa*, including monies held in trust for examination fees and/or similar services rendered by or on behalf of *Lifesaving South Africa*, demand the payment of such arrear amount in writing from each of the members liable for the payment thereof within three (3) weeks of the date of receipt of such demand, which demand must draw the attention of that member to the provisions this article 37 by way of a reference thereto.

[A 37.4 amended by resolution of 19 September 2008,⁽²⁶³⁾ renumbered and amended by resolution of 5 October 2012⁽²⁶⁴⁾]

37.5 If a written demand for payment is not fully complied with, the *Management Board* may in its discretion and without any hearing:

- (a) suspend one or more or all such members from one or more or all of the rights and privileges arising from their membership with *Lifesaving South Africa* for such period and on such terms or conditions as the *Management Board* deems suitable;
- or

- (b) instruct a *provincial member* to suspend a *district member* or a *club* from one or more or all of the rights and privileges arising from their membership with the *provincial member* before or on a specific date, failing which the *Management Board* may suspend the *provincial member* in terms of sub-article (a);
- (c) instruct a *club* to suspend a person affiliated with it from one or more or all of the rights and privileges arising from his membership with the *club* before or on a specific date, failing which the *Management Board* may suspend the *club* in terms of sub-article (a):

Provided that such suspension shall not exempt or relieve a members from any of its duties, obligations or responsibilities as a member and may only be lifted once the outstanding amount has been paid to the satisfaction of the *Management Board*.

[A 37.5 inserted by resolution of 5 October 2012]

- 37.6 If despite demand and suspension in terms of this article 37, a member fails to pay the outstanding amount to the satisfaction of the *Management Board* within a period of six (6) months from the date of receipt of the demand, the *Management Board* may:
- (a) where it is such a failure on the part of a *provincial member*, terminate the membership of that *provincial member* by way of a notice given to the *provincial member* and disaffiliate that *provincial member*;
 - (b) where it is such a failure on the part of a *club*, instruct the *provincial member* to terminate the membership of that *club* by way of a notice given to such a *club* and to disaffiliate that *club*; and/or
 - (c) where it is such a failure on the part of a person affiliated to a *club*, instruct the *club* to terminate the membership of that person by way of a notice given to such a person and to disaffiliate him.

[A 37.6 inserted by resolution of 5 October 2012]

- 37.7 If any *provincial member*, *associated member* or *local member* does not comply with any of its other non-financial duties and/or obligations and/or responsibilities in terms of any of the provisions of *this Constitution* and/or of the *bye-laws* and/or of the *rules*, the *Management Board* may:
- (a) impose a penalty in respect of such default in accordance with a tariff of penalties recommended by the Financial Committee and approved by the *National Council*, which penalty may be recovered as an amount due and payable to *Lifesaving South Africa* in terms of this article 37;
 - (b) instruct the Convenor of the Disciplinary Committee to take disciplinary action against the *member*; and/or
 - (c) after a written demand that such *member* complies with such non-financial duties and/or obligations and/or responsibilities before or on a stated date, which must allow a reasonable opportunity for compliance, suspend such *member* from one or more or all of the rights and privileges arising from their membership with *Lifesaving South Africa* and/or with a *provincial member* (as the case may be) for such period and on such terms or conditions as the *Management Board* deems suitable.

[A 37.4 renumbered and amended by resolution of 5 October 2012⁽²⁶⁵⁾]

- 37.8 Notwithstanding any of the remedies of *Lifesaving South Africa* as provided for in this article 37, *Lifesaving South Africa* retains the right to take disciplinary action or to claim payment or specific performance under *this Constitution* in any court of law.

[A 37.8 inserted by resolution of 5 October 2012; corrected by resolution of 4 October 2013]

PART G: GRIEVANCES AND DISCIPLINE

38. Grievances

- 38.1 Any individual member who is aggrieved by any act or omission of any other *member*:-
- (a) may complain in writing to his *club* and, if such complaint is against the *club* or such *club* is unable to redress the wrong or otherwise to satisfy the complaining member within a reasonable time, such *club* shall, upon notice to the complaining member, in writing submit the complaint to the *provincial member* with which it is affiliated;
 - (b) such *provincial member* shall, if such complaint is against such *provincial member* or if it is unable to redress the wrong or otherwise to satisfy the complaining member within a reasonable time, upon notice to the complaining member and the referring *club*, submit the complaint to the *Management Board* or the appropriate *Board Committee* for a decision;
 - (c) the *Management Board* or such *Board Committee* shall, if it is unable to redress the wrong or otherwise to satisfy the complaining member within a reasonable time, upon notice to the complaining member and the referring members, submit the complaint to the Legal Advisor, as contemplated in article 25(1)(f), for a decision or for a referral thereof to the *National Council*.

[A 38.1 amended by resolution of 5 October 2012;⁽²⁶⁶⁾ further amended by resolution of 4 October 2013⁽²⁶⁷⁾]

- 38.2 Any *provincial member*, *associated member*, temporary member, *district member* or *club* who is aggrieved by any act or omission of an *officer* or *official* or employee of *Lifesaving South Africa* or of the *Management Board* or of a *Board Committee*:-
- (a) may complain in writing to the *Management Board* or the appropriate *Board Committee*;
 - (b) if the *Management Board* or such *Board Committee* is unable to redress the wrong or otherwise to satisfy the complaining member within a reasonable time, the *Management Board* or such *Board Committee* shall submit the complaint to the *National Council* for a decision.

[A 38.2 amended by resolution of 5 October 2012;⁽²⁶⁸⁾ further amended by resolution of 4 October 2013⁽²⁶⁹⁾]

- 38.3 No grievance shall be entertained unless it is reduced to writing and sets out the evidence or information relied upon by the aggrieved member.
- 38.4 Every grievance, the proceedings or steps in relation thereto and any information or documentation with regard thereto shall at all times be treated as confidential and shall not be disclosed to third parties without the knowledge and consent of the complainant.
- 38.5 The *Management Board* shall make provision for a grievance procedure in its *bye-laws*.

39. Right to investigate and/or take disciplinary action

Lifesaving South Africa shall have the right:-

- (a) in its sole discretion, to conduct an enquiry or investigation into any matter relating to any member or any matter concerning the affairs of *Lifesaving South Africa* and under the control or supervision of a *member* and every *member* shall at all relevant times fully cooperate with *Lifesaving South Africa* for the purposes of such an enquiry or investigation, including any disciplinary charge that may result from it;
- (b) to take disciplinary action against any *member*, any employee or any person participating in whatsoever capacity in a competition or championships or similar event under the auspices or control of *Lifesaving South Africa*.

40. Purpose of disciplinary action

The purpose of any disciplinary action taken by or on behalf of *Lifesaving South Africa* in terms of article 39 shall be:-

- (a) to enforce the terms and provisions of *this Constitution*, of the *bye-laws* or of the *rules* and to prevent any breaches or infringement thereof;
- (b) to promote and maintain good order and discipline within *Lifesaving South Africa* as an organisation and within lifesaving in general;
[A 40(b) corrected by resolution of 19 September 2008]
- (c) to promote, maintain and protect the reputation, goodwill and image of *Lifesaving South Africa*; and
- (d) to maintain an appropriate code of conduct or level of standards in lifesaving as a sport or the rendering of services by a *lifeguard*.

41. Responsibility and authorisation for taking disciplinary action

The responsibility, power and authorisation for taking any disciplinary action on behalf of *Lifesaving South Africa*:

- (a) in respect of any employee of *Lifesaving South Africa*, vests in the *Management Board* and shall be taken in accordance with the law governing labour relations;
- (b) in respect of any member of *Lifesaving South Africa* or in respect of any person participating in whatsoever capacity in a competition or championships or similar event under the auspices or control of *Lifesaving South Africa*, vests in the *Disciplinary Committee* and shall be taken in accordance with the *Disciplinary Code*.

[A 41 corrected by resolution of 19 September 2008]

42. Establishment of the Disciplinary Committee

42.1 The *Disciplinary Committee* of *Lifesaving South Africa* consists of the following members:-

- (a) the Convenor of the *Disciplinary Committee*, who shall be the chairperson of the *Disciplinary Committee*;
- (b) the persons elected, appointed or co-opted to the most senior office of a *provincial member*, *ex officio*;
- (c) one (1) representative nominated by each *provincial member*;
- (d) one (1) representative nominated by each *Board Committee*;

[A 42.1(d) amended by resolution of 4 October 2013⁽²⁷⁰⁾]

- (e) only in a temporary capacity the team manager, coach and chaperone of any international team representing or touring abroad under the auspices of *Lifesaving South Africa*, for as long as such team is outside *the Republic*; and

- (f) the Medical Advisor, as contemplated in article 25(1)(f), *ex officio*.
[A 42.1 amended by resolution of 5 October 2012⁽²⁷¹⁾]

42.2 The Convenor of the *Disciplinary Committee* shall be appointed by the *National Council* in an *Annual General Meeting* to serve for a period of three (3) years: Provided that the person so appointed:-

[A 42.2 *in fin* amended by resolution of 5 October 2012⁽²⁷²⁾]

- (a) need not be a *member of Lifesaving South Africa*;
 (b) shall accept his nomination for the position as the Convenor of the *Disciplinary Committee* in writing before such meeting, which nomination shall set out the qualifications and/or experience of the nominee;
 (c) shall not hold any other office in Lifesaving South Africa or in a *provincial member* or in a *district member*;

[A 42.2(c) amended by resolution of 5 October 2012;⁽²⁷³⁾ further amended by resolution of 4 October 2013⁽²⁷⁴⁾]

- (d) shall be a person who, to the satisfaction of the *National Council*, is a suitable and objective person for appointment as the Convenor of the *Disciplinary Committee*;
 (e) shall enjoy a security of tenure and shall not be interfered with or influenced in the performance of his functions by any *officer, official* or other member of *Lifesaving South Africa*: Provided that in the event of such a person becoming physically or mentally incapable of performing his functions, in the event of such a person being found guilty of any crime involving dishonesty or in the event of such a person committing a serious dereliction of duty, the *Management Board* shall resolve that a Special General Meeting be called for the sole purpose of impeaching the Convenor of the *Disciplinary Committee* and replacing him with another person to serve for the unexpired term of office.

[A 42.2(e) amended by resolution of 19 September 2008⁽²⁷⁵⁾]

42.3 The Convenor of the *Disciplinary Committee*:-

- (a) may himself investigate or appoint any one or more members of the *Disciplinary Committee* to investigate:-

- (i) any incident involving a loss of life whilst a lifesaving squad from any *provincial member* or a *local member* or a *club* was in attendance or on duty: Provided that if no member of the *Disciplinary Committee* is immediately available to investigate such an incident or under exceptional circumstances, the duty to investigate such an incident may be assigned to the *General Manager* (if one is appointed);

[A 42.3(a)(i) amended by resolution of 19 September 2008;⁽²⁷⁶⁾ further amended by resolution of 5 October 2012;⁽²⁷⁷⁾ further amended by resolution of 4 October 2013⁽²⁷⁸⁾]

- (ii) a complaint received by the *Disciplinary Committee*;
 (iii) a matter in respect of which the *Management Board* or a *Board Committee* requested an investigation; or

[A 42.3(a)(iii) amended by resolution of 5 October 2012;⁽²⁷⁹⁾ further amended by resolution of 4 October 2013⁽²⁸⁰⁾]

- (iv) any other matter that in his view should be investigated;
 and such investigator shall without delay investigate the said complaint or matter, whereafter he shall report the details and results of such investigation in writing to the Convenor of the *Disciplinary Committee*;
 (b) may himself deal with any disciplinary charge or appoint a sub-committee to deal

with any disciplinary charge, consisting of any one or more members of the *Disciplinary Committee* but excluding:-

- (i) a *member* of the *Disciplinary Committee* who had investigated the prior complaint or matter which resulted in such disciplinary charge;
- (ii) a *member* of the *Disciplinary Committee* who is or may be a witness in respect of such disciplinary charge; and
- (iii) a *member* of the *Disciplinary Committee* who may on reasonable grounds be seen as having a personal interest or be seen as biased;

and such sub-committee shall without delay deal with such disciplinary charge: Provided that if on the available information a disciplinary charge is regarded as so serious by the Convenor of the *Disciplinary Committee* that there is a possibility of a sanction of expulsion, he shall appoint a sub-committee to deal with such disciplinary charge consisting of at least three (3) members of the *Disciplinary Committee*;

- (c) shall take steps to ensure that all disciplinary and related matters receive prompt attention;
- (d) shall take steps to ensure that the *Management Board* is provided with a written report in respect of every disciplinary hearing;
- (e) may attend any meeting of a *Board Committee* or of the *Management Board* and, if requested by the *President*, shall attend such a meeting; and
[A 42.3(e) amended by resolution of 5 October 2012;⁽²⁸¹⁾ further amended by resolution of 4 October 2013⁽²⁸²⁾]
- (f) may attend any meeting of the *National Council* and, if requested by the *President*, shall attend such a meeting.

42.4 The *General Manager* (if one is appointed) or a person designated by the Management Board shall provide the Convenor of the *Disciplinary Committee* and the *Disciplinary Committee* with such administrative or logistical support and secretarial services as may be required for the proper discharge of their functions.

[A 42.4 amended by resolution of 5 October 2012⁽²⁸³⁾]

43. Attendance at investigations and meetings of the Disciplinary Committee

43.1 Save for the person against whom a disciplinary charge is lodged, no person or *member* shall be entitled as of right to attend any investigation, proceedings, hearing or meeting of the *Disciplinary Committee* save with the leave of the investigator or the *Disciplinary Committee*, as the case may be.

43.2 No person is entitled to legal representation as of right in any investigations, proceedings or hearings of the *Disciplinary Committee* but, for the purposes of a disciplinary charge and any disciplinary proceedings related thereto, a person may be assisted by any other person affiliated with a *club* excluding a person who is a *member* of the *Disciplinary Committee*.

[A 43.2 amended by resolution of 5 October 2012⁽²⁸⁴⁾]

43.3 Any *official* or *officer* may request leave to attend any investigation, proceedings, hearing or meeting of the *Disciplinary Committee* as an observer and such request, if refused, shall be conveyed in writing to the relevant *official* with full reasons for such refusal.

44. Loss of Life

- 44.1 Any incident involving a loss of life whilst a lifesaving squad from any *provincial member* or a *club* is in attendance or on duty, shall immediately be reported by the *provincial member* and/or the *club* concerned to the *General Manager* (if one is appointed, and if not to the *President*), who will without any delay inform the *Director* for Lifesaving and the Convenor of the *Disciplinary Committee* thereof.

[A 44.1 amended by resolution of 19 September 2008;⁽²⁸⁵⁾ further amended by resolution of 5 October 2012;⁽²⁸⁶⁾ further amended by resolution of 4 October 2013⁽²⁸⁷⁾]

- 44.2 The Convenor of the *Disciplinary Committee* shall without delay inform the *General Manager* (if one is appointed, and if not the *President*) which *member* or *members* of the *Disciplinary Committee* shall investigate the incident or assign the duty for such investigation to the *General Manager* (if one is appointed), whereupon an investigation shall be held into such loss of life and, upon the conclusion thereof, a full report and recommendations shall be submitted to the *Director* for Lifesaving and the Convenor of the *Disciplinary Committee*.

[A 44.2 amended by resolution of 5 October 2012;⁽²⁸⁸⁾ further amended by resolution of 4 October 2013⁽²⁸⁹⁾]

- 44.3 Upon receipt and consideration of the said report and recommendations the *Director* for Lifesaving may, if he deems it necessary:-

- (a) report such incident to the *National Council*;
- (b) submit a complaint to the Convenor of the *Disciplinary Committee* for the purpose of a disciplinary charge in respect of such incident;
- (c) take whatever other action he may deem fit in respect of such report and/or recommendations; or
- (d) if he concludes that no action needs to be taken in respect of such incident, in writing inform the Convenor of the *Disciplinary Committee* of his conclusion and the reasons therefor.

[A 44.3 amended by resolution of 5 October 2012;⁽²⁹⁰⁾ further amended by resolution of 4 October 2013⁽²⁹¹⁾]

45. Patrol duties

- 45.1 If any *club* is reported or suspected of not carrying out its patrol duties properly, the *Director* for Lifesaving may require and/or the *Management Board* may direct the *provincial member*, to which such *club* is affiliated:-

- (a) to investigate such alleged default and/or neglect in the carrying out of patrol duties;
- (b) to report the findings of such investigation and what steps, if any, were taken against the defaulting an/or negligent *club* or *lifeguards* concerned:

Provided that if such a *club* is affiliated directly with *Lifesaving South Africa* in terms of article 10(1)(a), the *Director* for Lifesaving shall conduct such investigation and report his findings and the steps, if any, taken against the defaulting an/or negligent *club* or lifeguard to the *Management Board*.

[A 45.1 amended by resolution of 5 October 2012;⁽²⁹²⁾ further amended by resolution of 4 October 2013⁽²⁹³⁾]

- 45.2 The membership of any such defaulting an/or negligent *club*, any *provincial member* which

fails or refuses to carry out such an investigation and any *provincial member* having carried out such an investigation but failing to take any effective steps against such defaulting an/or negligent *club*, may be temporarily suspended by the *Director* for Lifesaving until such time as, in his opinion, the said patrol duties are being or have been carried out properly.

[A 45.2 amended by resolution of 5 October 2012;⁽²⁹⁴⁾ further amended by resolution of 4 October 2013⁽²⁹⁵⁾]

46. Discipline at competitions and similar events

46.1 The Convenor of the *Disciplinary Committee* shall appoint a sub-committee consisting of at least three (3) members for the duration and final conclusion of:-

- (a) any national competition, national championships or national competitive event taking place under the auspices or control of *Lifesaving South Africa*; and
- (b) if requested to do so, for any other competition, championships or competitive event taking place under the auspices or control of *Lifesaving South Africa* or of a *provincial member*

[A 46.1(b) amended by resolution of 5 October 2012⁽²⁹⁶⁾]

for the purpose of:

- (i) forthwith investigating any allegation of misconduct at or in connection with or in relation to such competition, championships or competitive event, including any allegation of misconduct committed in the vicinity of or committed en route to and from the venue of such competition, championships or competitive event; and
[A 46(i) corrected by resolution of 19 September 2008]
- (ii) speedily and effectively dealing with any disciplinary charge in accordance with the *Disciplinary Code*.

46.2 If such a sub-committee finds any member guilty of misconduct, it may not expel any member or impose a fine upon him in an amount greater than the amount determined by the *Disciplinary Committee* from time to time.

46.3 There shall be no appeal against any finding of guilty or any sanction imposed by such a sub-committee.

46.4 Any allegation of misconduct not dealt with or not finally disposed of by such a sub-committee may be dealt with or disposed of by *Disciplinary Committee* in the ordinary way after the conclusion of such competition, championships or competitive event.

47. Appeals

47.1 Subject to article 46, if upon a disciplinary charge the *Disciplinary Committee* finds any person guilty of misconduct, he may, within fourteen (14) days after having been informed in writing (or by way of e-mail) of the sanction imposed upon him, appeal to the *Management Board* against the finding of guilty and/or the sanction imposed upon him: Provided that:

- (a) such appeal shall be noted in writing, stating expressly in the notice of appeal whether the appeal is against the finding of guilty or the sanction or both and setting out fully the grounds of the appeal;
- (b) the *Disciplinary Committee* shall submit its record and its written comments on the said notice of appeal to the *Management Board* within fourteen (14) days after

- having received such notice of appeal;
- (c) the *Management Board* shall, within three (3) weeks after having received the report and comments of the *Disciplinary Committee*, consider and finally decide the said appeal on the basis of the documents before it: Provided that the *Management Board* may decide for good cause to grant the person an oral hearing; and
 - (d) pending the outcome of such appeal before the *Management Board*, any finding of guilty or sanction shall be suspended.

[A 47.1 amended by resolution of 5 October 2012⁽²⁹⁷⁾]

47.2 The decision by the *Management Board* in respect of any such appeal shall be final and binding: Provided that if the sanction of expulsion is imposed upon a *member*, he may appeal to the *National Council* within fourteen (14) days after having been informed in writing (or by way of e-mail) of the outcome of the appeal before the *Management Board*: Provided that:

- (a) such appeal shall be noted in writing, stating expressly in the notice of appeal whether the appeal is against the finding of guilty or the sanction or both and setting out fully the grounds of the appeal;
- (b) the *Management Board* shall submit its record and its written comments on the said notice of appeal to the *National Council*; and
- (c) the *National Council* shall consider and finally decide the said appeal on the basis of the documents before it.

47.3 In any appeal to the *Management Board* and the *National Council*, they shall have the same powers as the *Disciplinary Committee*.

PART H: GENERAL

48. Affirmative programmes

48.1 Each *Board Committee* shall, and the *Management Board* may, from time to time define and identify those projects or programmes which qualify as special pro-active measures and/or interventions for the benefit and development of the disadvantaged communities and/or disadvantaged individuals, for the development of human and other resources, for the building of capacity and for the empowerment of *lifeguards* and/or *lifesaving clubs* from disadvantaged communities, in order to redress the imbalances of the past and to strive for a representation of the diversity and composition of the South African population at all levels in lifesaving.

[A 48.1 amended by resolution of 5 October 2012;⁽²⁹⁸⁾ further amended by resolution of 4 October 2013⁽²⁹⁹⁾]

48.2 The Financial Committee, the *Management Board* and the *National Council* shall ensure that special funds are allocated, set aside and budgeted annually for such projects or programmes.

49. Championships, competitions and similar events

49.1 The type and level of national championships, national competitions, national sport events and other similar events, including the time frames applicable to any such event, shall be

set out in the *bye-laws*.

- 49.2 If the *rules* of such event allows the participation of any person who is not a *member* of *Lifesaving South Africa* or the participation of any member of the general public, such participation may only be allowed on condition that such participant in writing:-
- (a) agrees to be bound by the relevant *bye-laws* and *rules* applicable to the event in question;
 - (b) submits to the disciplinary jurisdiction of *Lifesaving South Africa* and the *Disciplinary Committee*; and
 - (c) indemnifies *Lifesaving South Africa* and any of its *officers, officials* and other members against any liability, and also releases them from any liability for damages or compensation, resulting from or in connection with such participation:
- Provided that such condition may be contained in the entry form for such event and if the participant is a minor, he shall be assisted by his parent or legal guardian.

50. Protection of manuals and handbooks

- 50.1 No manual or handbook of *Lifesaving South Africa* may be copied or duplicated in any manner without the prior written permission of the *Management Board*.
- 50.2 All the rights in and to any manual or handbook on any aspect of lifesaving, written or prepared by any *officer, official* or member shall vest in and belongs to *Lifesaving South Africa*.

51. Dissolution

- 51.1 *Lifesaving South Africa* may be dissolved and its affairs wound up in terms of a *special resolution* or by an order of court.
[A 51.2 corrected by resolution of 19 September 2008]
- 51.2 In the event of a dissolution of *Lifesaving South Africa* and the winding up of its affairs, the liquidator appointed in terms of a *special resolution* or and order of court, as the case may be, shall subject to article 51.3, 51.4 and 51.5:-
[A 51.2 *in fin* amended by resolution of 14 October 2011⁽³⁰⁰⁾]
- (a) liquidate such property or assets of *Lifesaving South Africa* as are required or necessary to discharge all its debts and liabilities and, if applicable, obtain the release of any surety or security on its behalf;
[A 51.2(a) corrected by resolution of 19 September 2008]
 - (b) in the event of a surplus of property or assets of *Lifesaving South Africa* remaining after such discharge and/or release, distribute such surplus property or assets in the following order of preference by way of transfer or donation:-
 - (i) between the remaining *provincial members*, still active and intending to pursue the same or similar objectives as those contemplated in article 6, in a manner agreed upon between them in writing, alternatively and if no such written agreement can be reached within a reasonable time, then by liquidating all such surplus property or assets and dividing the funds between such remaining *provincial members*: Provided that such remaining *provincial members* shall share in such surplus property or assets or funds

- in equal shares as near as is practically possible; or
- (ii) if no such *provincial member* remains or intends to continue the pursuit of the same or similar objectives as contemplated in article 6 or if all the remaining *provincial members* are otherwise disqualified from receiving such surplus property or assets or any part thereof, either directly or indirectly and in whatsoever form, then to a corporate body or institution having the same or similar objectives as those contemplated in article 6 and determined in terms of the *special resolution* in terms whereof *Lifesaving South Africa* is to be dissolved and its affairs to be wound up; or
 - (iii) if no such corporate body or institution is determined by such *special resolution*, to a corporate body or institution having the same or similar objectives as those contemplated in article 6 and determined by the South African Sport Confederation and Olympic Committee:

Provided that any such distribution of surplus property or assets or funds may not be made to any natural person and may only be made to a corporate body or institution not for patrimonial gain and whose affairs are not carried on for patrimonial profit: Provided further that the recipient of any such distribution of surplus property or assets or funds is a recipient as contemplated by section 30(3)(b)(iii) of the Income Tax Act 58 of 1962 (as amended).

[A 51.2 amended and further proviso inserted by resolution of 5 October 2012⁽³⁰¹⁾]

- 51.3 Any *provincial member* shall be disqualified from sharing in the distribution of any property or assets or funds of *Lifesaving South Africa* upon the dissolution thereof if such a member is carrying on its affairs for the patrimonial gain or patrimonial profit of its members or has lost its legal personality for any reason whatsoever.

[A 51.3 amended by resolution of 5 October 2012⁽³⁰²⁾]

- 51.4 In the event of a dissolution of *Lifesaving South Africa* and the winding up of its affairs, no surplus property or assets or funds of *Lifesaving South Africa* may, either directly or indirectly or in whatsoever form, be distributed to an *associated member* and/ or to a *local member*.

[A 51.4 amended by resolution of 5 October 2012⁽³⁰³⁾]

- 51.5 In the event of a dissolution of *Lifesaving South Africa* and the winding up of its affairs, the liquidator shall:

- (a) for the purposes of article 51.2(a), alienate the erf situated at 35 Livingstone Road, Durban only as a last resort;
- (b) for the purposes of article 51.2(b)(i), first make provision for a preferential distribution in undivided shares to the founding members listed in item 1, 5, 7 and 9 of Schedule 3, or their successors in title (in recognition of their contribution of the erf situated at 35 Livingstone Road, Durban to the assets of *Lifesaving South Africa*);
- (c) the value of the preferential distribution is to be calculated finally by the liquidator as that portion of the market value of the said erf or the current value of the price for which it may have been sold, as the case may be, which is proportionate to the current value of the total cumulative costs incurred in respect of the said erf by the said founding members, or their successors in title, in relation to the total cumulative costs incurred in respect of the said erf by *Lifesaving South Africa*;

- (d) the said founding members, or their successors in title, shall remain entitled to share in any surplus of property or assets of *Lifesaving South Africa* remaining after provision has been made for the preferential distribution;
- (e) if the said erf is still part of the surplus of property or assets of *Lifesaving South Africa* upon dissolution, the erf itself shall be transferred in undivided shares to the said founding members, or their successors in title, and at their cost, unless they consent in writing that the said erf may be alienated to any other party and the proceeds thereof be used for the payment of the preferential distribution: Provided that any difference between the market value of the said erf and the value of the preferential distribution as contemplated in article 51.5(c) either be paid in, for distribution between all the remaining *provincial members* in accordance with article 51.2(b)(i), or be set-off against the shares of the said founding members or their successors in title;

[A 51.5(e) amended by resolution of 5 October 2012⁽³⁰⁴⁾]

Provided that if the said erf is voluntarily alienated by *Lifesaving South Africa* before such dissolution, the value of such preferential distribution shall be calculated as if *Lifesaving South Africa* has been dissolved on the date of alienation and the amount thereof shall constitute a debt bearing interest at the prime rate and payable to the said founding members only upon the dissolution of *Lifesaving South Africa*.

[A 51.5 inserted by resolution of 14 October 2011]

52. Internal or domestic affairs

Save as is provided for or is permissible in terms of *this Constitution*, no person shall disclose the internal or domestic affairs of *Lifesaving South Africa* to a third party or to the public media unless all remedies provided for in *this Constitution* have been exhausted or the *Management Board* has consented to such disclosure.

53. Notification clause

Any notice or demand, required to be delivered to or received by a member in terms of this Constitution, is deemed to have been so delivered or received:

- (a) within seven (7) days after the dispatch of such notice or demand by registered post to the physical address of the member; or
- (b) subject to an electronic confirmation of receipt, on the same date as an e-mail is received at the e-mail address of the member; or
- (c) subject to a successful report of transmission, on the same date as a fax is transmitted to the fax-number of the member; or
- (d) on the same date as a copy is delivered by hand at an address of the member; on record with Lifesaving South Africa.

[A 53 inserted by resolution of 5 October 2012]

54. Transitional arrangements

All *bye-laws*, procedures, protocols, directives, policies, strategies, *rules*, handbooks, manuals, plans or affirmative action programmes in existence at the *date of commencement* and not repugnant to the provisions of *this Constitution* shall remain in full force and effect as if promulgated or issued in terms of *this Constitution*, until the repeal or amendment or substitution

thereof.

[A 53 renumbered by resolution of 5 October 2012]

SCHEDULE 1: DISCIPLINARY CODE OF LIFESAVING SOUTH AFRICA

1. A person shall be guilty of misconduct if it is established on a preponderance of probabilities that:-
 - (a) any provision of *this Constitution*, the *bye-laws* or the *rules* was contravened by him;
 - (b) any prohibition, prescript or protocol of a manual or handbook of *Lifesaving South Africa* was intentionally or negligently contravened by him;
 - (c) any resolution of the *National Council* was intentionally disobeyed;
 - (d) he brought *Lifesaving South Africa* in disrepute or committed an act calculated to do so;
 - (e) he conducted himself in public, or at any event under the control or auspices of *Lifesaving South Africa*, in a manner unbecoming and prejudicial to the name and reputation of *Lifesaving South Africa*;
 - (f) he misappropriated any property, assets or funds of *Lifesaving South Africa*; or
 - (g) he intentionally or negligently damaged any property or assets of *Lifesaving South Africa* or so caused *Lifesaving South Africa* a direct or indirect loss.

2. *Lifesaving South African* may impose one of the following sanctions for any misconduct:-
 - (a) the expulsion of an individual *member*, either with or without a ban on future membership: Provided that in the event of an expulsion without a ban on future membership any future application for membership shall only be considered after the lapse of three (3) years: Provided further that such future application may only be considered by a *club* if the *Management Board*, after consultation with the relevant *provincial member*, gave its prior approval for such consideration;

[Item 2(a) amended by resolution of 9 October 2009;⁽³⁰⁵⁾ further amended by resolution of 5 October 2012⁽³⁰⁶⁾]
 - (b) the imposition of a fine in an amount not exceeding an amount determined by the *National Council* from time to time;
 - (c) the suspension of a *member*, provided that:-
 - (i) the period of suspension shall be for a specific period of time but may not be longer than three (3) years;

[Item 2(c)(i) amended by resolution of 19 September 2008⁽³⁰⁷⁾ and by resolution of 9 October 2009⁽³⁰⁸⁾]
 - (ii) the suspension may be a suspension of membership, in which event the member concerned shall for the time being forfeit all the rights and privileges of his membership, including the right of representation and voting in the *National Council*, but the suspension of a *provincial member* or a *club* shall not affect the rights and privileges of *officials* who are directly or indirectly affiliated with such a suspended *member*;

[Item 2(c)(ii) amended by resolution of 5 October 2012⁽³⁰⁹⁾]
 - (iii) the suspension may be a complete or partial suspension of privileges, in which event the member concerned either shall for the time being forfeit all the rights and privileges of his membership or shall for the time being forfeit such rights and privileges of his membership as was determined by the *Disciplinary Committee*;
 - (d) the disqualification of a person, which shall prevent the participation of such a person in any activities under the control or auspices of *Lifesaving South Africa* for a period of one (1) year and/or which shall cause the person to lose any credit or

award or place achieved by or granted to him in connection with the misconduct of which he was found guilty but which shall not otherwise interfere with his rights, privileges, duties and obligations as a member;

[Item 2(d) amended by resolution of 19 September 2008⁽³¹⁰⁾]

- (e) the carrying out of a maximum of five (5) extra patrol duties, if applicable;
- (f) the reprimand of a person;
- (g) the issue of a written warning; and
- (h) the issue of verbal warning:

Provided that, in addition to any of the foregoing sanctions, *Lifesaving South Africa* may also impose a condition that the person or member concerned attend suitable counselling or workshops to the satisfaction of the Convenor of the *Disciplinary Committee* or to the satisfaction of an *officer* nominated by him for the purpose of monitoring compliance with such a condition: Provided further that if such a condition is not complied with to the satisfaction of the Convenor of the *Disciplinary Committee* or his nominee, the matter shall be referred back to the *Disciplinary Committee* for a reconsideration of the sanction imposed.

[Proviso to item 2 inserted by resolution of 19 September 2008]

3. In addition to any sanction imposed upon a person who has been found guilty of misconduct, the Convenor of the *Disciplinary Committee* may also order such a member to reimburse *Lifesaving South Africa* for any cost or expenditure incurred in connection with the matter, including the cost or expenditure incurred with regard to the travelling and/or accommodation expenses of any witness.
4. For the purpose of dealing with any disciplinary charge the *Disciplinary Committee* may follow any procedure established by it and complying with the rules of natural justice, including an inquisitorial procedure.
5. The finding and sanction, if any, with regard to any disciplinary charge shall be conveyed, in writing or by way of electronic communication, through the administrative headquarters of *Lifesaving South Africa* to:
 - (a) the member who was charged and, if applicable, the *club* and/or *provincial member* with which he is affiliated;
 - (b) if the disciplinary charge resulted from an investigation into a loss of life, the *Director* for Lifesaving;

[Item 5(b) amended by resolution of 4 October 2013⁽³¹¹⁾]
 - (c) if the disciplinary charge resulted from a complaint, the complainant; and
 - (d) the *Management Board*.

[Item 5 amended by resolution of 5 October 2012⁽³¹²⁾]
6. Any investigation, hearing, meeting or proceedings of the *Disciplinary Committee* are confidential and no detail thereof or information in connection therewith may be published or made known unless:-
 - (a) such detail or information was published or made known in terms of or for the purpose of performing a function or duty under *this Constitution*;
 - (b) a court of law has ordered such detail or information to be published or made known;
 - (c) such detail or information is required or needed for the purposes of litigation;
 - (d) the *President* or the Convenor of the *Disciplinary Committee* authorized in writing

- (e) that such detail or information may be published or made known; or
the member found guilty of misconduct has consented thereto.

SCHEDULE 2: THE LIFESAVER'S HYMN**Stand inside the circle**

1.

Where the earth meets the sea,
Where the waves meet the sky,
Where people meet water
We'll be standing by.
Wherever life's in need,
Wherever waters flow,
Our circle will hold fast and true,
With strength we'll grow.

Chorus:

Stand inside the circle,
United, one, worldwide,
Stand inside the circle,
Fighting time and tide
Brothers and sisters
Together side by side
Throwing out the lifeline
Stand with pride.

2.

When life itself's in danger
When hearts cry for relief
When tempers rage and spirits fall
We'll be strong in our belief
The bond of courage strong
Until the dangers pass
The circle won't be broken
We'll hold fast.

Chorus:

Stand inside the circle,
United, one, worldwide,
Stand inside the circle,
Fighting time and tide
Brothers and sisters
Together side by side
Throwing out the lifeline
Stand with pride.

SCHEDULE 3: FOUNDING MEMBERS OF LIFESAVING SOUTH AFRICA

1. Lifesaving Eastern Cape
[Item 2(d) amended by resolution of 19 September 2008⁽³¹³⁾]
 2. Free State Stillwater Lifesaving Association
[Item 2 rectified to accord with resolution of 26 October 2007]
 3. Jacaranda Province Stillwater Lifesaving Association
[Item 2 rectified to accord with resolution of 26 October 2007]
 4. KwaZulu-Natal Stillwater Lifesaving Association
 5. KwaZulu-Natal Central Surf Lifesaving Association
 6. South Central Provincial Lifesaving Association
[Item 2 rectified to accord with resolution of 26 October 2007]
 7. Lifesaving Association KwaZulu-Natal South
 8. Western Province Stillwater Lifesaving Association
 9. Lifesaving Western Province
[Item 2(d) amended by resolution of 19 September 2008⁽³¹⁴⁾]
 10. Wildcoast Lifesaving Association
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