

FREE STATE GOLF UNION CONSTITUTION.

As amended on 31st October 2015

1. NAME

The name of the Union shall be the Free State Golf Union.

2. HEADQUARTERS

The Headquarters of the Union shall be at such places as the Union may decide from time to time.

3. TERRITORY

The territory under the jurisdiction of the Union shall be the Free State as defined by the South African Golf Association from time to time.

4. STATUS OF THE UNION

The Union is the controlling body of amateur male golf in the territory and its purpose is to co-ordinate the activities of its members and to ensure the maintenance of the tradition of amateur golf in the territory.

5. OBJECTS

The objects of the Union are:

- (a) To promote, advance, encourage and foster the game of golf within the territory in the interests of its members and their players;
- (b) To bring about and maintain close co-operation between its members;
- (c) To guide and assist members in the administration and general conduct of the game of golf;
- (d) To promote and encourage the holding of golf competitions, championships and tournaments on the golf courses of its members and to assist in the conduct and control thereof;
- (e) To formulate, control and regulate the conditions governing golf competitions in the territory under the auspices of the Union;
- (f) To assist members in the settlement of disputes and differences or in the interpretation of the Rules of Golf and to give decisions and/or rulings on all such matters and complaints about members or players that may arise or be submitted to the Union;

- (g) To raise funds as it may deem fit and to administer such funds on behalf of the Union;
- (h) To formulate and prescribe rules of conduct and etiquette to be observed by members and players and to take such steps as may be necessary to ensure that these are observed;
- (i) To become a member of any other sporting body as may be decided upon.

6. MEMBERSHIP

- (a) Membership of the Union shall be open to all: -
 - (i) Clubs in the District Sport Councils affiliated to the Free State Golf Union.:-
- (b) Application for membership shall be made to and dealt with by the Executive and reported to the next Annual General Meeting.
- (c) A copy of the Constitution and Rules of the Club or District Sport Council, together with the name of its Executive Officers and the number of its members shall be forwarded with its application to the Secretary of the Union. The Executive, on being satisfied that the applicant is a bona fide Club of District Sport Council and that it is desirable for same to be a member of the Union, may grant its membership.
- (d) A Person who may be elected as honorary member by an Annual General Meeting of the Union after being proposed and seconded by members of the Union in writing and received by the Secretary at least three months prior to an Annual General Meeting and approved of by the Executive.

7. MEMBERSHIP FEES AND LEVIES

- (a) Each member club shall pay the Union an annual membership fee as determined by the Annual General Meeting from time to time and also such further levies as may be prescribed from time to time at an Annual General Meeting of the Union or at a Special General Meeting of the Union called for this purpose. Clubs are to collect these membership fees on behalf of the Union.
- (b) Liability of payment of membership fees and levies shall accrue as from 1st September and shall be paid not later than 31st March of the following year.

- (c) An annual membership fee payable by a member shall be based per capita on the number of male members for whom a handicap is being administered by ~~the~~ Clubs on the 1st January of each year. All new members registering after the 1st of January shall be paid for on at least a 3-monthly basis.
- (d) No member, ceasing its membership of the Union for whatever cause, shall be entitled to a refund of any amount or portion thereof, paid by it to the Union in terms of the foregoing.
- (e) If a member has not paid the membership fees and/or levies, if any, due to the Union within two months of the due date and fails to pay same within one month after the member has been called upon to do so by the Union in writing, the Union shall in its discretion either suspend the membership of such member until the fees have been paid or terminate the membership or take such steps as it may deem necessary in the circumstances.

8. MANAGEMENT

The affairs and activities of the Members shall be administered by the Executive Committee acting under the authority conveyed to it by this constitution or by any mandate given to it by the Union at a General Meeting.

9. ANNUAL GENERAL MEETING

- (a) The annual General Meeting of the Union shall be held at such place as the Executive may decide within four months after the close of its financial year.
- (b) Sixty days' notice in writing of such meeting shall be given by the Secretary of the Union to all members of the Union and to the members of the Executive.

The notice shall contain the following:

- (i) A request for motions to be put on the agenda
- (ii) A request for nominations for Office Bearers to be elected at the Annual General Meeting
- (iii) Motions for the agenda and nominations for Office Bearers must reach the Secretary thirty days before the date set down for the Annual General Meeting

- (c) Fourteen days prior to the date set down for the Annual General Meeting, the Secretary shall forward an Agenda together with a copy of the financial statements to those persons specified in clause 9(b) above
- (d) With the consent of all members present any special business not falling under General Business and not on the agenda may be dealt with and transacted.
- (e) The business of the Annual General Meeting shall be: -
 - (i) To read and confirm the minutes of the previous Annual General Meeting and of any Special General Meeting held during the past year, and discuss matters arising.
 - (ii) To read and confirm the report of the Executive and the financial statement for the year.
 - (iii) To appoint a President and Vice-President
 - (iv) To appoint an Honorary Secretary and Honorary Treasurer (which offices may be held by either one or two persons)
 - (v) To appoint the members of the Executive for the ensuing year.
 - (vi) To make such other honorary appointments as the meeting may determine.
 - (vii) Generally to discuss and deal with all matters relating to Golf

10. SPECIAL GENERAL MEETING

- (a) A special General Meeting of the Union may be called at any time by the Executive for the purpose of considering any special business. A special General Meeting shall also be called by the Secretary of the Union within 21 days of receiving a requisition signed by the Chairman and the Secretary of any four members of the Union.
- (b) Fourteen days' written notice of any such Special Meeting, setting forth the purposes for which the meetings is called, shall be sent to each member of the Union and to each member of the Executive.
- (c) At any such Special Meeting only such business of which notice has been given may be transacted.

11. EXECUTIVE

- (a) The Executive shall consist of a President, Vice-President, Honorary Secretary, Honorary Treasurer and other members (Those members as is mentioned in 11 b (i) and 11b (ii) hereunder), as well as the Immediate Past President for a period of Maximum 1 year. The President, Vice-President, Honorary Secretary and Honorary Treasurer shall be elected at the Annual General Meeting of the Union.
- (b) The other members of the Executive other than those in clause 11 (a) above are to be appointed at the Annual General Meeting for a period of one year as follows:
 - (i) All clubs with an affiliated male membership of 300 or more – one member each.
 - (ii) Five (5) elected members one each elected within the five District Sports Council areas namely:
 - (i) Mangaung District Municipality, one each from Bloemfontein GC and Schoemanpark GC.
 - (ii) Lejweleputswa District Municipality,
 - (iii) Fezile Dabi District Municipality,
 - (iv) Xhariep District Municipality,
 - (v) Thabo Mofutsanyane District Municipality
- (c) All members of the Executive to be elected/nominated shall be handicapped members of one of the Golf Clubs in the territory of the Union and be affiliated members of the Union.
- (d) A Member of the Executive that no longer complies with any of the conditions for appointment as required under clause 11 (a) (b) or (c) above shall resign before the end of his term of office.
- (e) The Management Committee will be appointed at the Annual General Meeting and will consist of the President, Vice-President, Secretary, Treasurer and the Immediate past President for a period of maximum 1 year.
- (f) Nominations of candidates for election as President, Vice-President, Honorary Secretary and Honorary Treasurer shall be in writing, either by post or facsimile, submitted by any member of the Union to the Honorary Secretary and shall reach the Honorary Secretary not less than thirty days prior to the date of the AGM.
- (g) The six nominations for representatives - one each elected from each District Sports Council with Mangaung electing 2 members as is stated in 11 (b) (i) above as well as the clubs with 300 and more affiliated members, must reach the Secretary thirty days prior to the date of the Annual General Meeting. These names also to be included in the Agenda.
- (h) The candidates eligible for election to any particular position on the Executive shall, if they be unsuccessful in the election in respect of that position, will automatically and without further nomination be eligible for election to any other post of the Executive.
- (i) In the event of there being insufficient candidates properly nominated to serve on the Executive, the President may accept nominations at the Annual General Meeting to fill any such vacancies.

12. POWERS OF THE EXECUTIVE

Subject to any special instructions that may be given to it by any meeting of the Union, the Executive shall have full power to carry on the affairs of the Union in such manner as it may in its discretion think necessary in the best interest of golf, and in addition to the general power hereby granted to it, the Executive shall have full power to carry out and to deal with any of the objectives of the Union as set out in Clause 5 of the constitution.

Such powers and duties shall include the following: -

- (a) To suspend or terminate the membership of any Golf Club of Sub-Union which is a member of the Union should they:
 - (i) Fail to pay their membership fees and/or levies if any, as set out in Clause 9 (e) of the constitution; or
 - (ii) Fail to abide by the Rules of Golf and/or the Rules of Amateur Status;
- (b) To prescribe the conditions governing the formation and conduct of all Sub-Unions;
- (c) To fix the venue, time and conditions governing all competitions held under the auspices of the Union and any Sub-Unions;
- (d) To appoint Sub-Committees from amongst its members or otherwise, to carry out any of its powers;
- (e) To open Banking or Building Society accounts in the name of the Union and to resolve the manner of operation of such accounts;
- (f) To frame such byelaws as it may consider necessary;
- (g) To select teams or players to represent the Union in Tournaments or in Golf Matches.
- (h) To determine the manner in which Provincial Colors shall be awarded;
- (i) To take disciplinary action against a player who in the opinion of the Executive has committed a breach of the rules of golf in any competition or whose conduct in the opinion of the Executive is unbecoming in a player.

13. MEETINGS OF THE EXECUTIVE

- (a) The Executive shall hold meetings at such venues and on such dates as it may decide from time to time. Management Meetings to be held as decided on by the Management Committee.

- (b) The President shall act as Chairman at the meetings and in his absence, the Vice-President shall act as Chairman. Should both the President and the Vice-President be absent, the meeting shall choose its own Chairman.
- (c) Six members of the Executive shall form a quorum at Executive Meetings and three members at Management meetings.
- (d) If at the expiration of half an hour after the time fixed for the holding of the meeting a quorum is not present, the meeting shall stand adjourned to such time and place as those members may decide, and if there is no quorum at such adjourned meeting, the members present at such adjourned meeting shall form a quorum and be competent to deal with and transact the business of the meeting;
- (e) Should a member of the Executive fail to attend three meetings of the Executive in succession or should he in the sole discretion of the Executive be guilty of conduct, which brings the game of golf into disrepute, he shall automatically be expelled from the Executive. The Executive however, in its sole discretion shall have the right to condone failure to attend such meeting.

14. MEETINGS OF THE UNION

- (a) All meetings of the Union shall consist of representatives of members of the Union and the members of the Executive, six of whom shall form a quorum.
- (b) Each District Sport Council and affiliated club with 300 and more members shall have one vote in respect of each hundred or portion thereof of the total male members for whom membership had been paid of the Clubs comprising the District Sport Council
A Member Club of a District Council has no voting rights on a Meeting of the Union.
Each member of the Executive shall have one vote and in the case of equality of votes the Chairman shall have a casting vote in addition to his ordinary vote.
- (c) The Secretary of the Union shall be notified in writing of the names of the said representatives who will vote at the meeting at any time previous to the Meeting. No members of the Executive shall be entitled to act as a representative of any Club or District Sport Council at a Meeting of the Union.
- (d) The President of the Union shall take the chair at every meeting of the Union, and in his absence the Vice-President shall act for him. Should both the President and the Vice-President be absent, the meeting shall choose its own Chairman from those present at the meeting.
- (e) If at the expiration of half an hour after the time fixed for the holding of the meeting a quorum is not present, the meeting shall stand adjourned to such time and place as those members present may decide, and if there is no quorum at such subsequent meeting, the members present at such meeting

shall form a quorum and be competent to deal with and transact the business of the meeting.

- (f) All questions submitted to any meeting of the Union shall be decided by a majority of votes, as determined in paragraph 14 (b).
- (g) Any member of a Member Golf Club situated in the area of jurisdiction of the Union, shall be entitled to be present at any meeting of the Union and shall, with the consent of the Chairman, have the right to take part in any discussion at the meeting, but shall have no vote unless he is an appointed representative of a member or is a member of the Executive.

15. VACANCIES ON THE EXECUTIVE

Any vacancy on the Executive occurring during the year may be filled by the Executive, including co-opted members required during that year.

16. FINANCIAL YEAR

The financial year of the Union shall run from such period as the Executive decides.

17. BOOKS OF ACCOUNT

Books of account of the Affairs of the Union shall be kept and such books shall be submitted for audit to the Auditors of the Union within one month of the end of the financial year.

Audited accounts and a Balance Sheet shall be circulated as per clause 9 (c) above and submitted at each Annual General Meeting.

18. AUDITORS

The accounts of the Union shall be audited annually by a Registered Public Accountant and Auditor who shall not be an Executive Member and who shall be appointed at the Annual General Meeting of the Union.

19. CONFLICT OF INTERESTS

A committee member shall declare his interest in any contractual, selection, disciplinary, or financial matter in which a conflict of interest arises or may arise. He shall, unless otherwise determined by the committee, absent himself from discussions of such matters and shall not be entitled to vote in respect of such matters. If the committee member casts a vote, the vote shall not be counted.

In the event of any uncertainty as to whether it is necessary for a committee member to absent himself from discussions and refrain from voting, the issue should be

immediately determined by vote of the committee. If this is not possible, the matter shall be adjourned or deferred.

20. DISPUTE RESOLUTION - DISCIPLINE, DISPUTE RESOLUTION AND ARBITRATION

- (a) Any member referred to in article 6 hereof or any registered player member of a Club or other member Association who contravenes any of the terms or provisions of this Constitution, fails or refuses to implement any decision of the , its Executive Committee or any standing committee of the Free State Golf Union, may be charged with misconduct and be dealt with as is provided for in this Constitution and/or the Bye Laws promulgated there under.
- (b) Any disagreement relating to the enforceability of this Constitution or the interpretation or application of the provisions hereof, or any conflict of interest between any number of members of the Free State Golf Union or between a member of the Free State Golf Union and the Free State Golf Union itself, shall be deemed to be a dispute. Such dispute shall be dealt with in terms of the Bye-Laws to this Constitution.
- (c) All members as defined in Article 6 of this Constitution (which, for the purpose of this Article, and without limiting the generality thereof, shall include persons, officials, schools, clubs and associations) shall be obliged to submit any appeal against the decision of or penalty imposed by the Executive Committee and Annual General Meeting, to the Arbitration Foundation of South Africa within seventy-two hours of such decision having been conveyed formally to them in writing.
- (d) The arbitrator's decision shall be obtained in the manner prescribed in the Bye-laws, and shall be final and binding on the parties, and no further appeal shall be entertained.

21. INDEMNITY

Every office bearer /official of the Executive shall be **indemnified** by the Golf Union against all costs, losses and expenses which he/she may incur or become liable for by virtue of any reason or any act or omission in the discharge of his/her duties, unless the loss in question is caused by his/her own gross negligence, dishonesty or bad faith.

The Golf Union **will not be held liable** against any member for anything in accordance with this constitution.

22. PENALTY PROVISIONS FOR MEMBER ASSOCIATIONS/CLUB MEMBERS

22.1 The Executive Committee has the power to suspend the membership of a member club or individual who, in its opinion, acts directly against the Free State Golf Union or contrary to its principles or purposes. This suspension shall act as a interim measure until formal disciplinary hearings in terms of by- laws until the next General Assembly meeting. For good cause shown the Executive Committee may remove the suspension of such member.

- 22.2 If, and so long as, a member is suspended, such member shall be deprived of all rights of membership and shall not be eligible to participate in any event under the jurisdiction of the Free State Golf Union or in any officially recognized international/national or provincial fixture.
- 22.3 Further penalties imposable upon offending members shall include the power of the Executive Committee to impose a monetary fine not exceeding R5 000 and or to withhold any benefits or grants which otherwise may have accrued to such a club/member/player

23. PENALTY PROVISIONS IN RESPECT OF INDIVIDUAL MEMBERS

- 23.1 In the event that it becomes necessary for the Free State Golf Union to discipline an individual member, pursuant to a failure by a member association concerned to have taken disciplinary action against such individual member, the following penalties may be imposed by the Executive Committee upon such member if found guilty of misconduct at the disciplinary hearing in terms of the by-laws, namely,
- a. Impose a monetary fine not exceeding R5 000.
 - b. Suspension, either permanently or for a specific period of time.
 - c. Withhold any awards, benefits or such like, which may have accrued to such member.

This clause shall not apply in a case where a Disciplinary Committee has been appointed to deal with on sight misconduct, as per the Tournament Rules.

24. RIGHT TO APPEAL

- 24.1 Any member or individual member who has been disciplined, either by the Free State Golf Union Disciplinary Committee, Disciplinary Committee appointed by a member association or Disciplinary Committee appointed by the Executive Committee, shall have the right of appeal by giving written notice to the Union within 7 days of the hearing.
- 24.2 A committee of Appeal, consisting of three (3) persons, under the Chairpersonship of the Legal Advisor of the Free State Golf Union, shall preside over the appeal. The remaining members of this Appeal Committee shall be appointed by the Legal Advisor. No members of the Executive Committee shall qualify to serve on this Appeal Committee.
- 24.3 The decision of this Appeal Committee shall be final and no further Appeal shall lie against this decision.

25. AMENDMENTS TO THE CONSTITUTION

This Constitution shall in no way be rescinded, amended or added to, except by two-third majority of those present at an Annual General Meeting or Special General

Meeting of the Union called for that purpose. In terms of the provisions of this Constitution, a copy of the proposed rescission, amendment or addition shall be sent to each Member of the Executive and to each Member, Club and District Sport Council 14 days before the meeting.

Last amended on 31 October 2015.