



**MATLOSANA LOCAL SPORTS COUNCIL**

# **DRAFT CONSTITUTION**



## **ARTICLE 1:**

### **1. PREAMBLE**

The MATLOSANA MUNICIPALITY Local Sports Confederation (MATLOSANA MUNICIPALITY-I-SC) and all its members commit themselves to a unified system of sport based upon human rights, the principles of equality, diversity, non-racialism and non-sexism for all sportspersons.

We dedicate ourselves to ensuring development of sport to achieve equitable representation at all levels, and that sport shall never again be used to create divisions and promote discrimination amongst us. Accordingly, we commit ourselves to participating and supporting all actions that promote peace, cultural inclusivity and education.

We affirm that the primary mandate for the Matlosana Municipality (LSC) is high-performance sport, the overall development of sport, including recreational sport, and the establishment and maintenance of integrity and a good governance framework for sport in the sub-district.

The above accordingly necessitates the implementation of a coordinated sub-district sports framework, policies and procedures to achieve sustained high-performance excellence and furtherance of the role of sport in society as a driver for social cohesion and source of provincial pride

Matlosana Municipality-LSC, an organisation belonging to the Olympic Movement and duly recognized by NWPSC and DACSR, undertakes to comply with the provisions of the Olympic Charter and the International Paralympic Committee Handbook and to abide by the decisions of NWPSC and SASCOC respectively.

The Members of [Matlosana Municipality-I-SC shall also abide by the decisions of their respective District Governing bodies. Furthermore, [Matlosana Municipality-LSC undertakes, in accordance with its mission and role at the sub-district level, to participate in actions to promote peace, be committed to the principles of promoting diversity, inclusivity, safeguarding and providing equal opportunities to all genders participating in sport. Matlosana Municipality-LSC also undertakes to support and encourage the promotion of sports ethics, to fight against doping in sport and to demonstrate a responsible concern for environmental issues.

## **ARTICLE 2:**

### **2. INTERPRETATION AND DEFINITION OF TERMS**

#### **2.1 INTERPRETATION**

In this Constitution, in the absence of an express provision or statement to the contrary .

- 2.1.1 The headings are used for reference and convenience only and shall in no way be used to explain, amplify or modify or aid in the interpretation of this Constitution.
- 2.1.2 When any number of days is prescribed in this Constitution, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or officially recognized South Africa public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or officially recognized South African public holiday, and "business day" is any day which is not a Saturday, Sunday or officially recognized South African public holiday;
- 2.1.3 Where figures are referred to in numerals and in words, if there is any conflict between the two, the word shall prevail;
- 2.1.4 Where any term is defined within the context of any particular clause in this Constitution, the term so defined, unless it is clear from the clause in question that the term so defined has limited application to the relevant clause, shall bear the meaning ascribed to it for all purposes in terms of this Constitution, notwithstanding that term has not been defined in this interpretation clause;
- 2.1.5 The expiration or termination of this Constitution shall not affect such of the provisions of this Constitution as expressly provide that they will operate after any such expiration or termination or which of necessity must continue to have effect after such expiration or termination, notwithstanding that the clauses themselves do not expressly provide for this; and
- 2.1.6 Words importing any one gender shall include the other, words importing the singular shall include the plural and vice versa and words importing natural person shall include created entities (whether corporate or not) and vice versa.

#### **2.2 DEFINITION OF TERMS**

In this Constitution, unless the context indicates to the contrary, the words and expressions set out hereunder shall have the meanings assigned to them:

<b>TERMS</b>	<b>DEFINITIONS</b>
"the Act"	The Non-Profit organization Act 71 of 1997 as amended;
"NWPSC Constitution"	Means NWPSC Constitution as amended
"Annual General Meeting"	Means the highest decision-making gathering of members of the Local Sports Confederation;
"Associate Member"	Means an Associate Member contemplated by Articles 5.1.5 of this Constitution.
"Athletes Commission"	Means a commission of [Matlosana Municipality]-LSC established under specific terms of reference compliant with the NWPSC guidelines for Athletes' Commissions, whose members are those

	<p>athletes serving on the Athletes' Commission on behalf of Olympic, Paralympic, athletes with other</p> <p>disabilities, and non-Olympic athletes as contemplated by this Constitution and its Terms of Reference.</p>
"Local Executive Committee"	Means the Executive Committee of the Local Sports Confederation as constituted from time to time in terms of this Constitution.
"Electronic"	Means communication via digital platforms, inclusive of emails, web information transfers or digital meetings.
"Emblem"	Means the [Matlosana Municipality]-I-SC emblem/s registered for legal and commercial purposes and Team JB Marks, including the Provincial Sport Emblem as per Article 3.8.6 of this Constitution.
"LEC Commission"	Means a Commission appointed by the LEC and ratified by the General Assembly from nominations from Members for

LSC -11	three-year term of office to address matters set out in the King's Codes and as contemplated by this Constitution and its Regulations set from time to time.
"CAS"	Means the Court of Arbitration for Sport, presently constituted and domiciled in Switzerland;
"Calendar Year"	Means in each year, the period commencing from 1 July ending 30 <sup>th</sup> June of the relevant year;
"Constitution"	Means this Constitution of the Local Sports Confederation;
"Constitution of the Republic"	Means the Constitution of the Republic of South Africa Act 108 of 1996 as amended,
"Delegate"	Means a delegate appointed by a Member to represent it at any General Meeting;



"Digital Meeting"	Means a web-based meeting or conference format which could from time to time be shortened to 'e- meeting' that allows people to see and hear each other though not being in the same room, city and/or sub-district.
"General Assembly"	Means the General Assembly of the Local Sports Confederation as contemplated by clause 7.1 of this Constitution.
"General Meeting"	Means any general meeting of the Members and includes an Annual General Meeting, a Special General Meeting or an Ordinary General Meeting;
High Performance Sport"	Means the high-level participation in major, international sporting events, including but not limited to national, world championships, continental championships and other international multi-sport events such as Olympic Games, Commonwealth Games, Paralympic Games, National and

	International School Sport Games, World Games and All Africa Games.
"IPC"	Means International Paralympic Committee,
"Independent"	Shall be defined in the bylaws of Matlosana Municipality LSC. For the interpretation of this Constitution, it shall mean that an individual shall be free from Outside and not subject to another authority. Independent members nominated and appointed to form part of the LEC and Judicial Council may not have served on the Executive and/or Management Committees of Matlosana Municipality-LSC and/or its members in the 12 months preceding such appointment.

	Means the Judicial Council duly ratified by the General Assembly to administer any forms of judicial process, inclusive of hearings, appeals, determinations as contemplated in this Constitution and the associated by-laws.
"MMC"	Means the Member of the Mayoral Committee responsible for Sport and Recreation in the local municipality;
"Member"	Means a member of the Local Sports Confederation in terms of Article 5 of this Constitution.
"Member in good standing"	Means a Member who has complied with all obligations imposed upon Members by the Constitution and any rules and regulations of M-LSC.
"National Sports Act"	Means the National Sports and Recreation Act, No. 18 of 2007, as amended or any other Act which replaces it;
"Provincial Sports Federation"	Means a provincial sports association that is recognized as such by NWPSC and in

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	terms of the Rules and Regulations of NWPSC
"Notice"	Shall unless the context indicates otherwise, mean a written communication which has to be delivered to the addressee by ordinary or registered post to its address as notified by it and recorded in the records of the [Matlosana Municipality]- sent by post of telefaxed transmission or e-mail, to the number or e-mail address provided by the addressee and recorded in the records of the [Matlosana Municipality]-I-SC. Any notice sent by post shall be deemed to have been received by the addressee within five (5) days of the proven date of posting. Any notice sent by telefax transmission. Any e-mailed notice shall be deemed to have been received by the addressee on the day after the proven date of the e-mail transmission.
"Province"	Means the jurisdictional area of the North West Provincial Government of South Africa;
"District Sports Federation"	Means a sports organization recognized as such and affiliated to a Provincial Sports Federation, and responsible for coordinating, organizing and managing a sports code in the DR KK District;
"District Colours"	Means those colours as contemplated in the District Sports Colours Regulations, for which [Matlosana Municipality]-LSC shall have the authority to implement the provisions as contemplated in the Sports Colours Regulations.

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"Local Sports Confederation"	Means the Sports Confederation of a sub region/ sub-district within the DR KK District as defined by the Provincial Government demarcation.
"Local Sports Federation or Local Sports Federation structure"	Means a local sports association that is recognized as such by NWPSC, District Sports Federation and in terms of the Rules and Regulations of NWPSC
"NWPSC"	Means the North West Provincial Sports Confederation (also known as NWPSC) as defined in the Constitution of the NWPSC.
"South Africa"	Means the "Republic Of South Africa" as defined in the Constitution of the Republic of South Africa, 1996.
"Local Secretariat"	Means either the Local Secretary or the person authorised within the administration to function as the secretariat of Matlosana Municipality-LSC to ensure compliance and corporate governance of the organization.
"Financial Year"	Shall be the period of 01 July to 30 June the following Year.

### **ARTICLE 3: CORPORATE PERSONALITY**

#### **3. CORPORATE PERSONALITY**

##### **3.1 NAME**

The name of the organization to which this Constitution relates shall be the Matlosana Municipality Local Sports Council, hereinafter referred to and known by Matlosana Municipality-LSC

##### **3.2 STATUS**

The Matlosana Municipality Local Sports Council is established in terms of clause "5.1.4" of the NWPSCs Constitution.

##### **3.3 LEGAL PERSONALITY**

3.3.1 The Matlosana Municipality Local Sports Council is a voluntary association having a separate legal identity, from that of its Members, and is entitled to own property, whether



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movable or immovable or otherwise, and to sue and be sued in its own name, notwithstanding any change in the composition of its membership from time to time, it shall have perpetual succession. The organisation shall exist in its own right, separate from its members.

3.3.2 All movable property or other rights relating to immovable property which may be obtained by the time to time shall be registered in the name of the Matlosana Municipality. Members or office bearers of the organisation do not have rights over things that belong to the organisation and will never be able to get ownership or any rights in and to such assets.

3.3.3 The Matlosana Municipality LSC is a non-profit organisation.

3.3.4 The organisation shall continue to exist even when its membership changes and even in the event that different office bearers being appointed, from time to time.

3.3.5 Matlosana Municipality LSC shall be a member of, or recognized by, provincial multi-coded sport structures,

### **3.4 OFFICIAL LANGUAGE**

3.4.1 The official language of the Matlosana Municipality-LSC in case of any dispute shall be English.

### **3.5 AREA OF JURISDICTION**

The area of jurisdiction of the Matlosana Municipality-LSC shall be the Matlosana Municipality Sub-District of the North-West Province as defined in the Republic of South Africa's Constitution, over its Members, officials and athletes through Matlosana Municipality-I-SC Membership, wherever they may be at the time while engaging in Matlosana Municipality-I-SC or team activities or their own activities.

### **3.5 HEADQUARTERS**

The headquarters of the Matlosana Municipality shall be Klerksdorp and will be determined from time to time by the General Meeting.

### **3.6 AFFILIATION**

3.6.1 The Matlosana Municipality LSC shall apply for affiliation to the North-West Provincial Sports Confederation (NWPSC),

3.6.2 The provisions of this Constitution shall be subject to, and not in conflict with the NWPSC Constitution and any rules, policies or regulations of NWPSC. In the event of such conflict, the provisions of the NWPSC Constitution, or rules or policies or regulations shall prevail.

### **3.7 COLOURS AND EMBLEM**

- 3.7.1 The Matlosana Municipality-LSC acknowledges that awarding of District Colours may be done by the body authorized by the relevant Provincial/District Federations.
- 3.7.2 The Matlosana Municipality-LSC shall be part of a District Sports Colours Commission to consider applications for the award and withdrawal of district colours in accordance with the Matlosana Municipality District Colours Regulations.
- 3.7.3 Only Matlosana Municipality-LSC Members in good standing may apply for District Sports Colours as guided by the by-laws and policies of Matlosana Municipality- LSC and this Constitution.
- 3.7.4 The Matlosana Municipality-LSC shall ensure the promotion of and the maintenance of a high standard by sports codes in awarding such district colours.
- 3.7.5 The Matlosana Municipality-LSC shall control the design of any Colours' and/or emblem as approved by the General Assembly and registered by the Matlosana Municipality-LSC, restrain the unlawful and unauthorized use thereof and take disciplinary or other action in respect of any such unlawful use of the emblem or colours registered by the Matlosana Municipality-LSC.
- 3.7.6 The emblem of the Matlosana Municipality-LSC shall be the emblem of the Matlosana Local Municipality underwritten with LOCAL SPORTS COUNCIL.



### **3.8 INDEMNITY**

- 3.8.1 Every office bearer, official or employee of the Matlosana Municipality-LSC are indemnified by the Matlosana Municipality -LSC against all losses, charges, costs, damages and all other expenses and liabilities which he or she may incur or become liable for by virtue of any reason or any act, omission in the discharge of

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his or her duties, unless the loss in question is caused by his or her own negligence dishonesty or bad faith.

- 3.8.2 Every office bearer, official or employee of the Matlosana Municipality-LSC are indemnified by the Matlosana Municipality-LSC against pecuniary loss sustained by reason of legal proceedings, arising out of whatsoever cause, instituted against the Matlosana Municipality-LSC or against such office bearer, official or employee in his or her representative capacity, provided the indemnity conveyed herein has not extend to private personal acts of such office bearers, official or employee.

**ARTICLE 4: OBJECTIVES, ROLE AND POWERS OF THE LOCAL SPORTS COUNCIL**

**4.1      THE MANDATE/OBJECTIVES OF THE LOCAL SPORTS COUNCIL IS TO:**

- 4.1.1 Apply for membership of NWPSC. Act as a structure recognized by NWPSC as a coordinating and monitoring structure of sport in the local municipality communities.
- 4.1.2 Act as a structure recognized by NWPSC as a coordinating and monitoring structure for the Local Sports Federations/Federation structures and Clubs.
- 4.1.3 Promote, advance, develop sports initiatives in the sub-District, in furtherance of mandates delegated to it by NWPSC,
- 4.1.4 Promote, advance, develop and co-ordinate all sporting codes at a sub-district level, in line with the NWPSC's Constitution, sporting programmes, rules, policies and directives of NWPSC;
- 4.1.5 Act as an advisory body to the local government on all matters of Sport,
- 4.1.6 Participate in the Planning Process of the Local Government and District Departments of Sports.
- 4.1.7 Promote the transformation of the sports sector and facilitate sports development in the sub-District.
- 4.1.8 Co-operate, liaise and work with Clubs, District Federations, Local Sports Federations/Local Federation structure (s) the District Department of Sport, Local Government, with any other organization and stakeholder established to promote sports in the sub-District;
- 4.1.9 Initiate partnerships with the private and public sector regarding resources needed to support local sporting programmes.
- 4.1.10 Establish strategic partnership with District and Local Municipalities on the building needs and usage of facilities.
- 4.1.11 Be recognized by NWPSC and its Members as the coordinating body of sport in the [municipality] sub-District;
- 4.1.12 Promote the creation of sports structures and efficient management and assist with the creation of non-racial and non-sexist sports with unitary structures in all sporting codes within the sub-district.
- 4.1.13 Foster cooperation and build partnerships amongst all sectors of society that are committed to sports development within the Sub District and co-ordinate and

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implement the funding policy as determined by NWPSC in assisting its Members for the protection, promotion, and advancement of the sport.

- 4.1.15 Prepare and deliver Team Matlosana Municipality at all multi-sport sub-district games, including but not limited to the Matlosana Municipality Games, sub-District School Sports Championships and have the exclusive authority to represent the sub-District at such Games and events. In addition, it is obliged to participate in the Matlosana Municipality Sports Games by sending athletes.
- 4.1.16 Develop, protect and promote the Olympic Movement in the sub District, in accordance with the Olympic Charter.

- 4.1.17 Develop, protect and promote the Paralympic Movement in the Sub District, in accordance with the International Paralympic Committee Handbook and rules governing World Para Sport.

### **4.2 Role of the Local Sports Confederation (Matlosana Municipality-LSC) shall be the following:**

- 4.2.1 To serve and function in furtherance of the NWPSC's aims and objectives as the co-ordination structure for sports development within the sub-district across all sporting codes:
- 4.2.2 Promote and foster the spirit of cooperation and collaboration amongst other role players of the sport in the sub-District;
- 4.2.3 Assist and co-operate with District Sports Federations and/or Local Sports Federations or Local Federation Structure (s) in developing their Sport Codes and in the implementation of their sports development programmes, including competitive sporting events and mass participation programmes;
- 4.2.4 Promote and advocate for increased sports development across the sub-district; and
- 4.2.5 Assist the Clubs, District Federations and/or Local Federations/Local Federation structure (s) and NWPSC with the identification of high-performing sporting talent and support their development.
- 4.2.6 Training and maintaining a database of high-performance sport leaders, managers, administrators, coaches and technical officials.
- 4.2.7 Developing guidelines for the promotion and development of high-performance sport in the sub-district.
- 4.2.8 Updating the strategic framework for education and training in the sub-district.
- 4.2.9 Providing incentives for high-performance achievers and practitioners within the sub-district.
- 4.2.10 Acting as a multi-body for:
  - 4.2.10.1 Dispute resolution and investigations.
  - 4.2.10.2 The establishment and maintenance of integrity and a good governance framework for sport in the sub-district.
  - 4.2.10.3 The coordination of coaching development in the sub-district.
  - 4.2.10.4 Advising on bids to host events in the sub-district as per the Bidding and Hosting of Sport and Recreation Events Regulations as shall be enacted by the



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NWPSC in line with the National Sport and Recreation Act of 1998 as amended or successor thereof.

- 4.2.10.5 Supporting its Members in the development of sport from the entry to elite levels to transform demographic representation, achieve outstanding results on the provincial and national stage and to support the social cohesion, provincial promotion and health outcomes to which the sub-district aspires.
- 4.2.10.6 To take appropriate action against non-compliance with Matlosana Municipality-I-SC's safeguarding and other policies, trafficking and any other unethical practices set out in the Codes Handbook and other policies.
- 4.2.10.7 To initiate, negotiate, arrange, administer, finance and control, where necessary and where possible, multisport tours to and from the sub-district, inclusive of events between local teams and/or individuals.
- 4.2.10.8 To ensure, and if necessary support, that the bidding process relating to the hosting of provincial/national sporting events in the sub-district or any other events is following the necessary rules and regulations relating to same as sanctioned or directed by the NWPSC.
- 4.2.10.9 To support Members in improving governance and athlete performance and in ensuring compliance with the NWPSC Constitution.
- 4.2.10.10 To act as liaison between Matlosana I-SC members and the Matlosana Department of Sport, Arts and Culture and advise / consult on issues of facilities, lease agreements ,maintenance of facilities
- 4.2.10.11 To consult with and be consulted by the Matlosana Directorate Sport Arts and Culture on projects and events within the municipality.
- 4.2.10.12 To represent the Matlosana LSC Members in the Municipal portfolio committee for Sport.
- 4.2.10.13 To consult with and be consulted by the Matlosana Directorate Sport Arts and Culture on applications and allocations of sponsorships to individuals, clubs and federations
- 4.2.10.14 To consult with and be consulted by the Matlosana Mayoral Office in terms of application and allocation of sponsorships to individuals, clubs and federations.

### **4.3 POWERS OF THE LOCAL SPORTS CONFEDERATION**

The Matlosana Municipality-I-SC shall have powers as may be necessary or reasonably required in law to achieve its objectives as set out in clause 4.1 above, and for its proper and efficient functioning and administration, it shall have the following powers:

- 4.3.1 It shall be capable of existing on its own and shall continue to exist even after its membership changes;
- 4.3.2 To enter into a MOU (Memorandum of Understanding) with the Matlosana Municipality in terms of how the structure reports and links into the Municipal structures on Sport and Recreation.

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- 4.3.3 To purchase or acquire in any way land, buildings, agencies, shares, debentures and every other kind or description of movable and immovable property;
- 4.3.4 To manage, insure, sell, lease, mortgage, dispose of, give in exchange work, develop, build on, improve, turn to account or in any way otherwise deal with all or any part of its property and assets;
- 4.3.5 To accept donations and legacies and raise funds, subject to the express limitation that should the services of a fund raiser be used for collection of contributions, the expenses (remunerations and/or commission included) may not exceed fifteen-percent (15%) of the total proceeds of the collection;
- 4.3.6 To borrow money;
- 4.3.7 To secure payment of monies borrowed in any manner including the mortgaging and pledging of property and without detracting from the generality thereof, in particular by the issue of any kind of debenture or debenture stock, with or without security;
- 4.3.8 To invest money in any manner,
- 4.3.9 To open and operate banking accounts with any registered bank or financial institution in the Republic;
- 4.3.10 To open a banking account and authorize those officials who may sign, issue, accept, endorse, draw and execute on behalf of the Local Sports Council any negotiable instruments, powers of attorney or other deeds or instruments;
- 4.3.11 To make, draw, issue, accept, endorse and discount promissory notes, bills of exchange and any other kind of negotiable or transferable instruments,
- 4.3.12 To enter into indemnities, guarantees and suretyship and to secure payment thereunder in anyway;
- 4.3.13 To sue and to be sued in its own name;
- 4.3.14 As per prior agreement to remunerate any person or persons in cash for services rendered in its formation or in the development of its objects;
- 4.3.15 To enter into contracts and to execute any contracts deeds and documents provided that the Local Sports Council shall not have the powers to carry on any business, Including ordinary operations in the commercial sense, speculative transactions, dividends stripping activities and the letting of property on a systematic or regular basis, no loans may be made to a patron member, donor or any of their relatives or any private company.
- 4.4 Without derogating from the generality of the plenary powers and powers of Matlosana Municipality-LSC, limited as set out above, Matlosana Municipality-LSC shall have the power to:
  - 4.4.1 Award Sub-District Colours and confer honours and awards on individuals in recognition of their contribution to sport in the sub District.
  - 4.4.2 Select, on recommendation from the relevant District Federation and/or Local Federation/Local Federation structure(s) and present multi-sport teams for sub-district and representative competitions at all , in terms Of the district and Provincial sport Federations Constitutions, Rules and Regulations, and

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- 4.4.3 Elect or nominate any individual or individuals to represent it at any sub-district, district, or provincial forums as and when the need may arise.
- 4.4.4 To ensure the overall protection of symbols, trademarks, emblems or insignia of the bodies referred to and falling within Matlosana Municipality-I-SC's jurisdiction.
- 4.4.5 Establish, co-ordinate a coaching accreditation framework for all accredited service point sports Associations of the District Federation coaching personnel.
- 4.5 The powers of Matlosana Municipality-I-SC shall be exercised by the LEC, which will provide responsible leadership to I-SC based upon an ethical foundation and who shall have specified powers delegated to them by the General Meeting in addition to the general powers and authority herein conferred on the LEC and without in any way limiting such powers and authority.

### **ARTICLE 5: MEMBERSHIP**

- 5.1 The Members shall be subject to the different Matlosana Municipality-I-SC Codes as set out in the Codes Handbook. The Membership criteria and associated processes for all Members shall be set out in the Membership Recognition and Compliance by-laws
- 5.2 The following shall be eligible for membership of the Matlosana Municipality-SC, whose applications for membership are to be ratified by the General Assembly:
  - 5.2.1 The Local Federations or Local Federation structures that are affiliates to District Federations and/or Provincial Federations who are also members of the Matlosana Municipality] DSC;
  - 5.2.2 Only one (1) Local Federation or Local Federation structure shall be recognised as a Member governing a sport or one (1) or more related disciplines of the sport in the sub-District.
  - 5.2.3 DSAC Service Point Sports Office
  - 5.2.4 Associate Members
    - 5.2.4.1 Disability sport;
    - 5.2.4.2 School sport;
    - 5.2.4.3 Municipal Sports Department;
  - 5.2.5 Any other Sport Governing Body sport club and Controlling Bodies prescribed by the National Sport and Recreation Act and NVVPSC Constitution/Membership Recognition and compliance by-laws in relation to sports activities in the sub-District;
- 5.3 The LSC shall, in its discretion, grant full, special, or associate membership to applicants referred to under article 5.1.5, provided that such applicants meet the required guidelines as may be laid down by the LSC and/or NWVPS from time to time with due consideration to clause 5.4.
- 5.4 **AN APPLICATIONS FOR MEMBERSHIP SHALL ONLY BE CONSIDERED ON THE FOLLOWING CONDITIONS:**

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- 5.4.1 A letter of application as well as the completed prescribed application form.
- 5.4.2 A copy of the constitution of the applicant.
- 5.4.3 A list of all elected officials
- 5.4.4 A list of all affiliates of the applicant.
- 5.4.5 That it be tabled at either an Annual General Meeting or a Special General Meeting and it appears on the Agenda of the meeting at which it is to be considered.

### **5.5 MEMBERSHIP RECOGNITION CRITERIA**

- 5.1 To be eligible for recognition, organisations which control the development of, and participation by, service point and sub-district sporting codes must meet the following criteria -
  - 5.5.1.1 Must be properly constituted and operate on democratic principles;
  - 5.5.1.2 Have a formal written constitution and acceptable democratically elected committee (s) or structure (s), which operate in a transparent accountable, and responsible manner; and
  - 5.5.1.3 Demonstrate an agreed level of management and financial accountability and stability.
  - 5.5.1.4 The sports body must abide by the anti-doping policy of the institute for Drug Free Sport, and WADA as adopted by NWPSC.
  - 5.5.1.5 Participation must be available to all sections of the community and not be restricted for reasons of race, colour, creed, religion, finance, gender or disability.
- 5.5.2 The LEC shall develop and publish the Local Sports Council's Membership Recognition Criteria and Regulations, in line with the NWPSC's Membership Recognition Criteria and Regulations from time to time.

### **5.6 SUBORDINATE STATUS OF MEMBERS**

- 5.6.1 Members shall be subordinate to the -I-SC and must comply with this Constitution, the Rules and Regulations and any directives issued by the LSC from time to time, subject to the provision that any directive shall not be in conflict with any requirement of NWPSC.
- 5.6.2 Members' Constitutions and any Rules or Regulations formulated thereunder shall not be in conflict with the NWPSCs Constitution.

### **5.7 MEMBERSHIP MATTERS TO BE REGULATED IN THE RULES AND/OR REGULATIONS**

- 5.7.1 The I-SC Local Executive Committee shall draft such Rules and/or Regulations as may be deemed necessary, for approval by the General Assembly.
- 5.7.2 The Rules regulating matters relating to Membership, including but not limited to the following matters
  - 5.7.2.1 The criteria and procedure for acceptance of Members;
  - 5.7.2.2 The colours and emblems of sub-District Members;



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- 5.7.2.3 The membership fees and subscriptions to be paid by Members
  - 5.7.2.4 The obligations of Members with respect to financial statements and books of accounts,
  - 5.7.2.5 The grounds on which Members may be suspended from membership to the LSC; and
  - 5.7.2.6 Any amendment to any Members' Constitution.
- 5.8 The criteria referred to in clause 5.4 above shall, include the following requirements:
- 5.8.1 No Member will be eligible to acquire or to retain membership of the L-SC unless it has a constitution which provides for:
    - 5.8.1.1 Open elections to be held at intervals of not more than four (4) years;
    - 5.8.1.2 Minutes of meetings and annual financial statements to be presented to its membership;
    - 5.8.1.3 The member must recognize the authority of LSC and Dr Kenneth Kaunda District
    - 5.8.1.4 It has complied fully with such provisions of its constitution and has provided proof of such compliance to the LSC.
    - 5.8.1.5 Attendance of the two (2) L-SC GM's held in a calendar year as shall be called. Failure to attend will result in immediate suspension of a member and withholding of funds by the L-SC Local Municipality, and the District Department.
  - 5.8.2 No Member may be affiliated to the L-SC unless it is entitled to take its own decisions on any matter connected with its affiliation independently of any external body;
  - 5.8.3 No Member may be used as a source of profit for its officials or for those who have lent funds to it, provided that the payment of a normal rate of interest to the latter shall be permissible.
  - 5.8.4 In the event of a Member wishing to enter into an agreement with any company, which may change the Member and its affiliation with the I-SC, it shall inform the I-SC of its intentions in writing and disclose all information of whatsoever nature to the I-SC, to enable it to consider the affiliation or continued affiliation of the said Member is in the best interests of sport in the sub-District.

### **5.9 REGISTER OF MEMBERS**

- 5.9.1 The Local Sports Confederation, through its Secretariat, shall maintain the register of Members at the office, or at any other place where work of making up such register is done in terms of the LSC Constitution, Rules and Regulations.
- 5.9.2 The register shall be open to inspection by members as provided in terms of the LSC Constitution, Rules and Regulations.
- 5.9.3 The Executive Committee shall be empowered to make regulations as it deems fit relating to the opening and closing of such register provided that such register shall not be closed for more than sixty (60) days in any calendar year.
- 5.9.4 The LSC may establish and maintain a branch register,

**ARTICLE 6: FINANCE**

6. The activities of LSC shall be conducted on a non-profit basis with the intent and purpose that its capital and income from whatever source, shall be applied solely towards the promotion of its objectives, provided that nothing herein contained shall preclude the payment in good faith to an affiliate or any other person of: -
- 6.1 Reasonable agreed remuneration for the services rendered on behalf of the LSC;
- 6.2 Reimbursement of actual costs, expenses or other commitments incurred on behalf of the LSC;
- 6.3 Payment of such monies to affiliates as found advisable for the advancement of sport in the sub-District;
- 6.4 All payments shall be authorized by any two (2) of the three (3) duly authorized persons appointed by the Local Executive Committee;
- 6.5 The LSC may invest its funds in the manner contemplated in clause 4.37 of this constitution;
- 6.6 The Executive Committee shall open and maintain a bank account for the LSC
- 6.7 The Executive Committee shall from time to time determine whether, to what extent and at what times and places and under what conditions or regulations the accounting records of the I-SC or any of them may be open to inspection by Members not being Local Executive Committee members or by the Local Sports Confederation General Assembly.
- 6.8 The I-SC is prohibited from carrying on any business undertaking or trading activity, other than to the extent that :
- 6.8.1 The undertaking or activity is:
- 6.8.1.1 Integral and directly related to the sole object of the I-SC; 6.8.1.2 Carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost and which would not result in unfair competition in relation to taxable entities; or
- 6.8.1.2 If the undertaking or activity is not integral and directly related to the sole object of the Confederation, it should be of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation.
- 6.9 Financial Year
- The financial year of the L-SC shall be from the 01 July to the 30<sup>th</sup> Of June of the next year.
- L-SC Finances shall be regulated through its Financial Policy in line with the NWPSCs Financial Policy.
- 6.9.1 All supplier appointments, procurement, partnerships and payments will be authorized in compliance with the Financial Policy of the I-SC.
- 6.9.2 The signatories of I-SC payments shall be any two of the three (3) duly authorized persons appointed by the LEC in compliance with the Financial Policy of LSC.

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6.9.3      The Local Treasurer shall have the power of the signature with the Chairperson and Local Secretary on all financial transactions of the I-SC.

6.9.4      The Local Treasurer shall have the power of the first signature or load all transactions; and any other officials (Local Secretary or Chairperson) delegated by the Local Executive Committee, shall provide a second signature or approval of transactions loaded.

6.10      Audited Financial Statements

6.10.1      The LEC shall cause the annual audited financial statements, prepared in line with the relevant International Financial Reporting Standards for small, and medium sized entities to be prepared and laid before LSC Members in an AGM or QGM for approval.

6.10.2      The LEC shall:

6.10.2.1      Share a copy of the annual audited financial statements with all LSC Members.

6.10.2.2      Allow for written questions to be submitted by the I-SC Members to the Local Secretary no later than fourteen (14) calendar days prior to the Meeting.

6.10.2.3      Circulate all questions as received from I-SC Members and to be addressed at the Meeting as an addendum to the Agenda seven calendar days prior to that meeting.

6.10.2.4      Ensure the Local Treasurer presents the Annual Financial Statements at that meeting and address all questions received prior to and during the General Meeting at which it is presented.

6.10.2.5      The provisions of this Article shall not require a copy of those documents to be sent to any Member which has not furnished a digital address to L-SC.

6.11      Within six months after the end of I-SC's financial year end, the LEC shall cause the annual audited financial statements to be submitted to the Local Municipality, District Department, Matlosana Municipality, Director of Non-Profit Organisations and to the South African Revenue Services.

6.12      Auditor

An external auditor shall be appointed on the recommendation of the LEC, having regard to rotation of the auditor every three (3) years notwithstanding the status of Matlosana Municipality-LSC as an organisation, which auditor has been duly approved and/or ratified at an Annual or Quadrennial General Meeting.

6.13      Taxation

The Matlosana Municipality-LSC may apply to the South African Revenue Service Commissioner for approval as a Public Benefit Organisation in terms of section 30 of the Income Tax Act. Upon such approval, the provisions as set out in the Schedules of the Income Tax Act shall bind the Matlosana Municipality-LSC.

## **ARTICLE 7: GOVERNING BODIES**

- 7.1      The General Assembly
- 7.1.1      The Local Sports Council General Assembly shall be the supreme decision-making body of the Matlosana Municipality-L-SC and shall comprise all eligible voting members meeting at the occasion of a General Meeting.
- 7.1.2      The General Assembly shall elect the leadership representatives who will form the LEC of the Matlosana Municipality-L-SC.
- 7.1.3      The General Assembly shall convene twice annually, where it shall.
- 7.1.3.1      Ensure that the Constitution is applied and adopt any amendments and executive arrangements required for its application.
- 7.1.3.2      Ratify governance and organizational policies, rules and regulations recommended by the LEC and note operational policies approved by the LEC.
- 7.2 Local Executive Committee (LEC)  
There shall not be less than eleven (11 ) Local Executive Committee members who are not connected persons in relation to each other, and shall comprise the following LEC members.
- 7.2.1      Any (1) Of the Chairperson or Vice Chairpersons' shall be a female, and Should the vote dictate a male being elected as the Chairperson and then either one of the Vice Chairpersons will automatically be a female nominee.
- 7.2.2      The Chairperson, who shall not be entitled to serve for a period in excess of three (3) terms in that office and shall be for the purposes of the composition of the LEC, deemed not to represent either a Local Sports Federation or Local Sport Federation structure, Service Point Sports structure of a District Federation, and/or a Service Point Sports Association.
- 7.2.3      The Chairperson shall automatically represent the Local Sports Council in the District Sports Executive Committee.
- 7.2.4      The two (2) Vice-Chairpersons, who shall be referred to as the First (1<sup>st</sup>) and Second (2<sup>nd</sup>) Vice-Chairpersons. The Vice Chairperson polling the highest number of votes in terms of the procedure set out below shall be referred to as the First (1<sup>st</sup>) Vice Chairperson; and the second highest referred to as the Second (2<sup>nd</sup>) Vice Chairperson. One Vice-Chairperson shall be responsible for Transformation and the other for Sport Development within the sub-district.
- 7.2.5      The Local Secretary (LS) who shall be for the purposes of the composition of the LEC be responsible for the Local Secretariat. The candidate polling the highest shall be the Local Secretary.
- 7.2.6      The Local Communications Secretary (CS), who shall be for the purposes of the composition of the LEC be a female if the nomination for Local Secretary is voted as a male candidate and a male if the nomination for Local Secretary is voted as a female candidate. He or she shall be responsible for the Marketing and Communications (media, digital, electronic and print) of the Matlosana



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Municipality-I-SC. The candidate polling the highest shall be the Local Communications Secretary.

- 7.2.7 The Local Treasurer (LT) shall be for the purposes of the composition of the LEC have a background of financial accounting, finance or commerce. The candidate polling the highest shall be the Local Treasurer. Up to 4 (four) additional LEC members.
- 7.2.8 One (1) additional LEC member representing Disability Sports, one (1) representing School Sport, one (1) representing Athletes Commission, and one (1 ) representing Municipal Sport
- 7.2.9 Any co-opted members, as determined by the LEC shall not exceed four (4) in number and shall have all powers to vote on any issues before them. It is specifically recorded that if and when such additional co-opted members are appointed, the LEC shall take cognisance of any gender or other sensitivity matters which may arise out of the elections.
- 7.3 The members of the LEC shall be elected in terms of Clause 7.8 and 7.9 and shall hold office for a term of four (4) years, but shall not be entitled to serve for longer than three (3) successive terms in their current elected positions and four (4) (16 years) successive terms in their combined elected positions Save as aforesaid, LEC members shall be eligible for re-election and shall retain office until their successors have been elected.
- 7.4 Any person elected to a position on the LEC must vacate his/her position and retire by no later than the end of the calendar year during Which he/she attains the age Of seventy (70) years.
- 7.5 Any other portfolios identified by the LEC shall be appointed by the LEC.
- 7.6 There shall be no more than one (1) LEC member nominated and elected from the same Matlosana Municipality-LSC Member apart from Disability Sport, Municipal Sport, School Sport and/or Athletes Commission representatives.

### **7.7 POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE**

The powers of the Local Sports Council shall be exercised by the LECI who shall have specified powers delegated to them by the General Meeting in addition to the general powers and authority herein conferred on the LEC and without in any way limiting such powers and authority, shall have the following powers and duties:

- 7.7.1 To oversee, and if necessary manage, the activities of the Matlosana Municipality LSC which shall include and shall not be restricted to:
  - 7.7.1.1 The activities of its Members.
  - 7.7.1.2 Inquiring into the administrative and/or financial affairs of Members, and, where necessary, to recommend corrective measures in this regard, and if these measures are not implemented to make recommendations to take over the administrative and/or financial affairs of the Member until these are placed on a satisfactory footing. In the case of a Local Federation or Local Federation structure this should be conducted in consultation with the District Federation.
  - 7.7.1.3 Appointing such sub-committees or commissions upon such terms as it may consider necessary to give effect to its powers;

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- 7.7.1.4 Suspend, fine and/or terminate the membership of any Member or individual affiliated through their respective Sporting organization or to suspend and/or fine any Member who infringes the Constitution, the Rules, the Regulations, directives or resolutions of Matlosana Municipality-LSC or of the Dr Kenneth Kaunda District engages in any act of misconduct, improper practices; misdemeanour, acts of defiance, or brings the Dr Kenneth Kaunda District and/or NWPSC into disrepute;
- 7.7.1.5 The preparation and monitoring of a detailed business plan for the Matlosana Municipality-LSC and its activities, as approved by the General Meeting.
- 7.7.1.6 The control of monies in terms of a budget as approved by the General Assembly.
- 7.7.2 To appoint standing committees/commissions as and when the necessity arises, which standing committees shall consist of a chairperson who shall preferably be a member of the LEC and such other members as are deemed necessary. It is specifically recorded that such standing committees shall take cognizance of the composition of the LEC in appointing the relevant sub-committees, and more in particular shall be cognisant of any imbalances or sensitivities in respect of representatively or equity or disability issues;
- 7.7.3 In matters of mutual interest, the Matlosana Municipality-LSC and any eligible members may enter into a written agreement covering issues such as the establishment of a Joint liaison committee, communications, competitions, Whether sub-district or otherwise, compensation, levies, disputes, officials, coaches and the like;
- 7.7.4 To appoint sub-committees reporting to the LEC;
- 7.7.5 Delegation of Authority
- 7.7.5.1 Subject to the Constitution, Rules and Regulations, to delegate any of its powers or functions to the Management Committee (consisting of the Chairperson, 1<sup>st</sup> and 2<sup>nd</sup> Vice 7.7.7.2 Any regulation made by the LEC shall be tabled at the next Annual General Meeting of the Matlosana Municipality-LSC and will be of no force and effect beyond the date of that Annual General Meeting unless it is ratified at that Annual General Meeting.
- 7.7.6 The LEC shall meet at least four (4) times per annum,
- 7.7.8 Subject to the provisions of this Constitution and any decision of the General Assembly, the LEC shall have the authority to do anything or take any steps, which might be done by the Matlosana Municipality-I-SC in the furtherance of its objectives and the policies decided upon by the General Assembly without limiting the generality of the afore-going, this Shall include the following:
  - 7.7.8.1 To attend to all legal matters on behalf of the Matlosana Municipality-LSC;
  - 7.7.8.2 To host, when applicable, any events in conjunction with the appropriate local federations, local federation structures, clubs and relevant organizations concerned;
  - 7.7.8.3 To participate in the sub-District Sports and Recreation Forum, Local Municipality Sports and Recreation Forum, the sub-District Sports Trust and any other appropriate structures;
  - 7.7.8.4 Generally, to execute any legal act on behalf of the Matlosana Municipality-LSC, thus doing all that is necessary for the fulfilment of the objectives in the

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Matlosana Municipality-LSC, provided that such act is not contrary to the constitution or any instruction of the General Assembly.

- 7.7.9 No member of the LEC who had any direct or indirect interest in or who would benefit from any contract to be entered into between the Matlosana Municipality-SC and a third party, shall be present at the meeting at which such contract is considered, debated and decided.
- 7.7.10 All matters pertaining to litigation, security measures, contractual negotiations, employment matters and any other matters deemed confidential by the LEC, must be treated as confidential and only the actual decisions may be disclosed to Members and the public.
- 7.7.11 The quorum for meeting of the LEC shall be fifty percent (50%) plus 1 (one) of its members.
- 7.7.12 simple majority shall be sufficient to carry any decision of the LEC.

### **7.8 ELECTION OF OFFICERS**

- 7.8.1 Subject to the provisions of this clause, the election of the LEC members shall be by vote of delegates present at a Quadrennial Annual General Meeting.
- 7.8.2 The Matlosana L-SC shall cause for the appointment of an Independent Nominations and Elections Committee of at least three (3) persons subject to ratification by the Matlosana LSC AGM or General Assembly.
- 7.8.3 The Nominations and Elections Committee shall amongst themselves, nominate and appoint a chairperson to serve as lead auditor of the election process.
- 7.8.4 Only nominees of members in good standing and who are citizens of the Matlosana Municipality sub-District and North-West Province shall be eligible for election as a member of the Matlosana Municipality-LSC.
- 7.8.5 Employees of the District Department of Sport and Local Municipality Sport Directorate in their official and unofficial capacities as employees of the department and municipality respectively are not eligible to stand for election into the Local Executive Committee (LEC).
- 7.8.6 Prior to commencing the election, the Electoral Officer shall dissolve the LEC and shall thereafter manage the election process.
- 7.8.7 Each Delegate present at the General Meeting shall have a vote determined by the voting strength referred to in Clause 8.13.5 in any election of the LEC members, provided that no delegate shall be entitled to vote unless the member which he/she represents is member in good Standing.
- 7.8.8 Any Member in good standing shall be entitled to submit nominations for all the positions of the LEC members referred as determined in clause 7.2.
- 7.8.8.1 A candidate may be nominated for more than one office provided that if and when elected to a particular office, the candidate's remaining nominations shall lapse.
- 7.8.8.2 Sixty (60) days prior to the date of the General Meeting, the Local Secretary shall distribute nomination forms to members per registered post, telefax and/or electronic mail.
- 7.8.9 Members shall submit the original nomination forms to the Matlosana Municipality-SC's Nominations and Elections Committee auditor such that they

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are received at least thirty (30) days prior to the date of the General Meeting. The closing date and time shall be specified in a circular distributed by the Local Secretary with the nomination forms.

- 7.9 No nomination form will be accepted by the Matlosana Municipality-L-SC unless:
- 7.9.1 The nomination form is signed by the President/Chairperson or Vice-President/Vice-Chairperson and the Secretary of the Member submitting the nomination; and
- 7.9.2 The nominee has submitted to the auditor of the Nominations and Elections Committee his/her signed acceptance of the nomination on the form provided for this purpose, or on a copy or facsimile thereof, and this signed acceptance has been received by the auditor at least thirty (14) days prior to the date of the General Meeting.
- 7.9.3 Candidates nominated for election shall present themselves to the AGM either in person or via live digital means.
- 7.9.4 The onus shall be on the Member concerned to ensure that nominations and acceptances are received by the auditor on/or before the closing date.
- 7.9.5 Within seven (7) days after the closing date for nominations, the auditor shall submit a list of those persons properly nominated to the Local Secretary. The original nomination forms shall be retained by the auditor.
- 7.9.6 The Local Secretary shall send the list of nominations as received from the auditor to all members along with the agenda for the General Meeting at least seven (7) days prior to the date of the meeting.
- 7.9.7 Prior to the commencement of the elections, the LEC shall, on ratification by the AGM, appoint an electoral officer and two other persons who are not candidates for office, to conduct the elections.
- 7.9.8 Should there be fewer nominations than there are vacancies to be filled, those persons presently occupying office, shall continue in office for the further period.
- 7.9.9 The first person to be elected shall be the Chairperson and announced. Should only one nomination be received, the candidate shall be declared duly elected.
- 7.9.10 Following the election of the Chairperson, the two Vice-Chairpersons shall then be elected and announced. Should only two nominations be received, voting procedures as per Article 7.23 above will be followed to determine the 1<sup>st</sup> and 2<sup>nd</sup> Vice Chairperson. Should more than two nominations for these positions be received, then such nominations will be determined by means of a ballot with the two candidates polling the most number of votes elected to the positions of Vice Chairpersons.
- 7.9.11 If one candidate polled the highest number of votes, he/she will be elected first Vice Chairperson and there will be a second ballot in respect of all candidates who polled the second highest number of votes.
- 7.9.12 Following the election of the two Vice-Chairpersons, the Local Secretary shall be elected and announced. Should only one nomination be received, the candidate shall be declared duly elected

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- 7.9.13 Following the election of Local Secretary, the Communications Secretary shall be elected and announced. Should only one nomination be received, the candidate shall be declared duly elected.
- 7.9.14 Following the election of the Local Secretary and Communications Secretary, the Local Treasurer shall be elected and announced. Should only one nomination be received, the candidate shall be declared duly elected.
- 7.9.15 Following the election of the Local Treasurer, the 4(four) additional LEC members in accordance with clause 7.9.16 shall be elected. Where only four (4) or less nominations are received, the nominated candidates shall be declared duly elected and announced
- 7.9.16 Following the election of the 4(four) additional members, the electoral officer(s) shall announce the names of the Associate additional members [(one (1) for Disability Sport, and one (1) for School Sport, and one (1) for Municipal Sport and one (i) for Athletes Commission.
- 7.9.17 In case there are fewer nominees than the vacancies available for any position, nominations may be presented from the floor to equal the required number.
- 7.9.18 If there is a tie amongst more candidates than there are positions to be filled on the LEC, there will be a second ballot in respect of those candidates. If the second ballot also results in a tie amongst any of those candidates, the electoral office will draw the name of one or more candidates (as the case may be) who shall be declared the successful candidate/s.
- 7.9.19 Should any dispute relating to an election arise during the meeting, the electoral office shall rule thereon, and his/her ruling shall be final and may not be challenged by any candidate, Delegate or Member.
- 7.9.20 Subject to the provisions of these Clauses, LEC members hold office until their successors have been elected at an Annual General Meeting.

**7.10      A VACANCY IN ANY OFFICE OF THE LEC SHALL OCCUR:**

- 7.10.1.1 Upon the death of a member;
- 7.10.1.2 If a member is absent from three (3) consecutive meetings of the LEC without prior permission unless the LEC upon good cause being shown, otherwise decides; or
- 7.10.1.3 If a member is found guilty of having conducted himself/herself in any manner likely to prejudice the objects or activities of the Matlosana Municipality-LSC or [Dr Kenneth Kaunda District] and/or whose conduct has the effect of bringing the Matlosana Municipality-LSC and/or Dr Kenneth Kaunda District I and/or sport into disrepute.
- 7.10.1.4 If a member becomes of unsound mind;
- 7.10.1.5 If a member is sequestered'
- 7.10.1.6 If a member proposes a compromise with his/her creditors generally;
- 7.10.1.7 If a member resigns his/her office by notice in writing to the Matlosana Municipality-LSC;
- 7.10.2 Should the office of any member of the LEC become vacant, the remaining members of the LEC shall have the power to co-opt a member in his/her place until the next Annual General Meeting provided that should the office of the Chairperson become vacant, the LEC at its next meeting, elect one of the two



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Vice Chairpersons to act as Chairperson until the next Annual General Meeting.

- 7.10.3      At any Annual General Meeting, elections will be held to fill offices vacated during the previous year. Candidates for such elections may be nominated only in accordance with the nomination procedures of Clause 7.9M to 7.9.7 in each category of the LEC in respect of which there are vacancies, delegates may vote for as many candidates as there are vacancies with the required number of candidates who obtain the highest number of votes in the first round of voting being elected. In the event of a tie, the tie-break mechanisms set out in clause 7.9.19 will apply.

**ARTICLE 8: GENERAL MEETINGS OF MEMBERS**

- 8.1      The Matlosana Municipality-I-SC shall hold at least two (2) General Meetings of members during a calendar year, of which one shall be the Annual General Meeting to be held not later than six months after the end of the financial year. In an elective year, a third General Meeting shall be held which shall be the Quadrennial General Meeting.
- 8.2      The LEC may, whenever it thinks fit, convene a General Meeting, at any time within the Sub district, whereat insufficient members of the LEC are capable of acting to form a Quorum.
- 8.3      A General Meeting shall be called by the LEC within thirty (30) days after receipt of a request signed on behalf of one third of the members in good standing. The agenda for such meeting shall be specified in the request.
- 8.4      Subject to the provisions of this Clause a General Meeting shall be held at such time and place as the LEC shall determine.
- 8.5      The Local Secretary shall by registered post, telefax or electronic mail, give all Members at least sixty (30) days advance notice of the date of the Annual General Meeting, which date shall be determined by the LEC. The Annual General Meeting shall be called no later than 30 November of each calendar year.
- 8.6      Motions to an Annual General Meeting shall be submitted to the Local Secretary in writing per registered post and/or telefax and/or electronic mail not less than twenty (20) days prior to the date of such Annual General Meeting. The Local Secretary shall circulate all motions submitted to him together with the agenda for the Meeting and the audited financial statements of the Matlosana Municipality-LSC to all members per registered post and/or telefax and/or electronic mail not less than (14) days prior to the Annual General Meeting.
- 8.7      Members must forward in writing to the Local Secretary the names of the delegates who will represent them at the Annual General Meeting. Unless such confirmation is received by the Local Secretary at least seven (7) days before the meeting, the delegates in question will not be accredited and will not be entitled to participate in the meeting.



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- 8.8 The Quorum at any meeting shall be fifty percent (50%) plus one (1) of the invited members.
- 8.9 A simple majority shall be sufficient to carry any decision of the General Assembly, excluding Changes to the Constitution as per clause 11 and Dissolution as per clause 12 of this Constitution.
- 8.10 Any General Meetings, including the AGMI QGM or SGM may take place in person, via digital and electronic means or a hybrid combination or both.

### **8.11 NOTICE OF GENERAL MEETINGS**

- 8.11.1 A meeting called for the passing of a special resolution shall be called by not less than twenty-one (21) days' notice in writing, and any other General Meeting (other than the Annual General Meeting) shall be called by not less than fourteen (14) days' notice in writing. Notice in terms of this clause shall be exclusive of the date on which it is served or deemed to be served and exclusive of the date for which it is given.
- 8.11.2 A Quadrennial General Meeting shall be called by not less than sixty (30) days' notice in writing and ninety (60) days for a General Meeting at which the dissolution of the organisation is to be considered.
- 8.11.3 The notice of a meeting shall specify:
- 8.11.3.1 The place;
- 8.11.3.2 The date and the hour of the meeting; and
- 8.11.3.3 In the case of special business, the general nature of such business, and shall be given in the manner hereinafter provided or in such other manner as may be prescribed by the Matlosana Municipality-I-SC in General Meetings and to such persons as are, under the clauses, entitled to receive such notices from the Matlosana Municipality-LSC.
- 8.11.4 A General Meeting shall, notwithstanding that it is called by shorter notice than that specified in Clauses 8.11.1 to be deemed to have been duly called if it is so agreed by a majority in number of the members having a right to attend and vote at a meeting.
- 8.11.5 A General Meeting shall be entitled to deal with special business, the general nature of which has not been notified, if it is so agreed by a majority in number of the Members having a right to attend and vote at the meeting,
- 8.11.6 A SGM can be called by the LEC to deal with matters of extreme urgency and could have catastrophic impact, be of great strategic importance and crucial to the successful operation of the MATLOSANA MUNICIPALITY I-SC. Such meeting will be exempted from the general notice periods as per above guidelines but may not be less than 5 working days' notice.

### **8.12 PROCEEDING ANNUAL GENERAL MEETINGS**

- 8.12.1 The Annual General Meeting shall deal with and dispose of all matters, including the consideration of the Chairperson's Address, Annual Executive Report, Annual Audited Financial Statements, the appointment of an auditor, Amendments to the Constitution, Consideration and Adoption of the Rules and Regulations, Applications and Considerations of Membership, Schedule of

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Fees and the filling of vacancies and/or the election of the Executive Committee and may deal with any other business laid before it and of which a 30 days' notice has been duly given,

- 8.12.2 Business may be transacted at a General Meeting only while a Quorum of Members is present.
- 8.12.3 If within an hour after the time appointed for the General Meeting a Quorum is not present, the General Meeting, if convened upon requisition of the members, shall be dissolved. In any other case the General Meeting shall stand adjourned to the same day in the next week at the same time and place, or if that day is not a business day, to the next succeeding business day, and if at such adjourned General Meeting a Quorum is not present within an hour after the time appointed for the meeting, the Members present in person shall constitute a quorum, provided that every member shall have received notice of the adjourned General Meeting not less than 72 hours prior thereto by either electronic mail, facsimile, hand delivery, telegram, telex, post or telephone call.
- 8.12.4 The Chairperson or, in his/her absence, the First Vice-Chairperson or the Second Vice Chairperson shall preside as chairperson at every General Meeting and the LEC meetings of the Matlosana Municipality-LSC.
- 8.12.5 If there is no such chairperson or if at any General Meeting he/she is not present within 15 minutes after the time appointed for the holding of the meeting or if he/she is unwilling to act as chairperson, the LEC shall choose one of their number to act as chairperson and, failing of which any LEC member present and willing to act, the members present shall elect one of their number to be the chairperson of the meeting.
- 8.12.6 The chairperson of a General Meeting at which a Quorum is present may (and shall if so directed by the meeting) adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than business left unfinished at the meeting at which the adjournment took place. When a meeting is adjourned, it shall not be necessary to give notice thereof.
- 8.12.7 A resolution tabled at a General Meeting shall require both a proposer and a seconder
- 8.12.8 At any General Meeting, a resolution put to the vote shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded by the chairperson or by at least two members entitled to vote at the meeting. No poll shall, however, be demanded on the election of the chairperson of the meeting or on any question of adjournment. Unless a poll is so demanded, a declaration by the chairperson of the meeting that a resolution has, on a show of hands, been carried or carried unanimously or by a particular majority or failed, an entry to that effect in the book containing the minutes of the proceedings of the Matlosana Municipality-I-SC shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of/or against such resolution.
- 8.12.9 If a poll is demanded:
  - 8.12.9.1 The poll shall be taken in such manner and at such time as the chairperson of the meeting shall direct;
  - 8.12.9.2 The chairperson of the meeting shall be entitled to appoint scrutineers;

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- 8.12.9.3 No notice of a poll other than an announcement at the meeting at which it is demanded shall be required;
- 8.12.9.4 The demand for a poll shall not prevent the continuation of the meeting for the transaction of any business other than the question on which the poll has been demanded;
- 8.12.9.5 A demand for a poll may be withdrawn; and
- 8.12.9.6 The result of a poll shall be deemed to be the resolution of the meeting on any question on which the poll is taken.
- 8.12.10 In the case of an equality of votes, whether on a show of hands or on a poll, the chairperson of the meeting at which the show of hands takes place or at which the poll is taken shall if he/she is a delegate of a member, have a casting vote. However, no casting vote will be available at any election of members of the LEC.
- 8.12.11 Any objection to the admissibility of a vote on a show of hands or on a poll shall be raised at the General Meeting at which that show of hands or poll is to take place or takes place. That objection shall be determined by the chairperson of that General Meeting and his/her decision thereon shall be final and binding. Accordingly, any vote not disallowed at that meeting shall be valid for all purposes.
- 8.12.12 A resolution shall not be invalid because a vote which should not have been included has been taken into account unless, in the opinion of the chairperson of that meeting (whose decision thereon shall be final and binding), the exclusion of that vote would have altered the result of the voting on that resolution. Conversely a resolution shall not be invalid because a vote which should have been included has not been taken into account unless, in the opinion of the chairperson of that meeting (whose decision thereon shall be final and binding), the inclusion of that vote would have altered the result of the voting on that resolution.

**8.13 REPRESENTATION**

- 8.13.1 Each Local Sport Federation or Local Sport Federation structure shall be entitled to appoint two (2) delegates to represent it at General Meetings.
- 8.13.2 Each Service Point Sports Association shall be entitled to appoint two (2) delegates to represent it at General Meetings.
- 8.13.3 Each Associate Member shall be entitled to appoint one (1) delegate to represent it at the General Meetings.
- 8.13.4 The Athletes Commission shall be entitled to appoint two (2) delegates to represent it at General Meetings.
- 8.13.5 Any other sport governing body, sport club and controlling body is entitled to appoint one (1) delegate.
- 8.13.6 No delegate may be appointed by a member unless he/she is a duly authorized representative with Executive Committee voting powers and designation or position of either Chairperson/President, Vice-Chairperson/Vice-President and/or Secretary General/ General Secretary.

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- 8.13.7 Any other delegate with a different designation or position either than the ones mentioned above as per Clause 8.13.6 shall be with the discretion and approval by the EC be granted participation in the General Meetings.

### **8.14 VOTING RIGHTS**

- 8.14.1 All delegates of members in good standing and eligible to vote as enshrined and represented as per Article 8.13, including the LEC shall be entitled to vote at any General Meeting of the Matlosana Municipality-L-SC.
- 8.14.2 To remain in good standing and be eligible to speak and/or vote at any General Meeting, a member shall annually comply with the Matlosana Municipality-LSCs recognition criteria set out in the by-laws.
- 8.14.3 Each delegate/delegation shall be entitled to one (1) vote per position. The number of votes to which members are entitled as per representation clause 8.13 above are as follows,
- 8.14.4 A sport club affiliated to a local or district sport federation and/or professional body shall have no voting rights.
- 8.14.5 It is specifically recorded that, irrespective of the number of delegates present at the meeting, the delegate nominated to cast the votes on behalf of his/her respective delegation, shall exercise the number of votes to which that member is entitled as per Article 8.14.1 to 8.14.5.
- 8.14.6 For the purpose of the election of the LEC:
- 8.14.6.1 No voting will be done by a show of hands. Voting shall be by secret ballot, and each person mandated to vote shall be required to exercise such vote.
- 8.14.6.2 The Chairperson shall act as chairperson at all meetings of the Matlosana Municipality-LSC, except elections, which shall be done by the appointed electoral officers in line with Article 7.97 and shall have a deliberative as well as a casting vote.
- 8.14.6.3 At the conclusion of the meeting, all elected members shall immediately take office and constitute the LEC.

### **8.15 MINUTES AND INSPECTION**

- 8.15.1.1 The LEC shall record all resolutions of the Matlosana Municipality-LSC taken at all meetings in a book provided for that purpose.
- 8.15.1.2 The minutes kept in terms of clause 8.1 5.1 .1 (or any extract therefrom) which purports to be signed by the Chairperson of the LEC or by any member of the LEC or the Local Secretariat shall be prima facie evidence of the matters therein stated.
- 8.15.1.3 Such minutes shall be circulated within forty-five (45) days following the General Meeting.
- 8.15.1.4 Once adopted at the next General Meeting, such minutes shall be prima facie evidence of the matters therein stated.

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- 8.15.1.5 The minute book shall be open for inspection by any Member or in terms of the Promotion of Access to Information Act.

**ARTICLE 9: GENERAL COMPLIANCE AND PROVISIONS**

9.1 **Compliance with the laws of the Republic of South Africa**

This Constitution is governed, construed and interpreted in accordance with the laws of the Republic of South Africa.

9.2 **Compliance with the SASCOC and 'PC Handbook**

The powers of the Matlosana Municipality-I-SC shall not be exercised in a manner which is contrary to the Constitution of SASCOC or the IPC. In the event of a conflict, the Constitution of SASCOC and IPC will take precedence.

9.3 **Compliance with the Constitutions of Provincial Governing Bodies**

9.3.1 The powers of Matlosana Municipality-I-SC shall not be exercised in a manner, which is contrary to the constitutions of the provincial governing bodies regulating its Members, inclusive but not limited to the SASCOC and NWPSC.

9.3.2 In the event of a conflict, the constitutions of these bodies will take precedence in relation to the function of their competitions or games.

9.4 **Compliance with Anti-Doping Regulations**

Matlosana Municipality-I-SC and all Members agree to comply and be bound by and to ensure that their members comply with the Code in force and adopted by the Government of South Africa and SASCOC from time to time.

9.5 **Compliance with the Constitution of NWPSC and Disability Sports Federation.**

The powers of the Matlosana Municipality-I-SC shall not be exercised in a manner which is contrary to the Constitution of NWPSC or the Disability Sports Federation. In the event of a conflict, the Constitution of NWPSC and Disability Sports Federation will take precedence.

9.6 **Compliance by Members**

9.6.1 The Constitutions of the Members, and any proposed amendments thereto, must comply with the Matlosana Municipality-LSC Constitution and be submitted to Matlosana Municipality-L-SC for approval subject to Article 11.2.

9.6.2 The Members will adopt Codes of Conduct and best practices in line with any Codes and policies for sport adopted by NWPSC and principles of corporate governance applicable to organisations in the Republic from time to time.

9.6.3 Subject to Articles of this Constitution, Matlosana Municipality-LSC is entitled to exercise the rights granted by its Members to Matlosana Municipality-LSC in terms of their constitutions and Members' constitutions shall include the granting of this right and power to Matlosana Municipality-I-SC.

9.6.4 Any Member who is found guilty of failing to abide by the provisions of this Constitution, its by-laws, Rules and Regulations shall not be entitled to funding by Matlosana Municipality-I-SC and may be sanctioned by Matlosana Municipality-LSC following due process as outlined in Matlosana Municipality-LSCs Constitution, Rules and Regulations.

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9.6.5 Matlosana Municipality-I-SC and Members, as appropriate, are required to comply with Section 30 of the Income Tax Act as public benefit organisations.

### **9.7. Event Compliance**

9.7.1 No multi-sport events at sub-district and local level involving more than one Local Federation/Local Federation structure or representative team may take place within the district without obtaining the prior Written approval Of [Dr Kenneth Kaunda District ] and the District Department or Local Municipality.

9.7.2 The written request for approval shall be accompanied by a list of the teams which will be participating in the event as well as the event regulations.

9.7.3 No Member or sports person who is registered with such a Member, may participate in a multi-sports event, within or outside the sub-district, where prior written approval of Matlosana Municipality-I-SC has not been obtained.

### **9.8. Compliance with Communication Protocol**

9.8.1 Subject to this Constitution, Rules and Regulations of the Matlosana Municipality-I-SC all Members are to, on a first instance basis, communicate with the Service Point of a District Department and/or Local government on matters of sport and its development through the Matlosana Municipality-I-SC Secretariat.

At the sub-district level, the Local Secretary shall, on behalf of a Member, communicate any sport-related requests to the District Department of Sport and/or Local government.

9.8.1.1. At the Service Point level, the Local Secretary shall, on behalf of a Member, communicate any sport-related requests to the sub-District Department of Sport and/or Service Point of the District

9.8.1.2. At the local municipality level, the Local Sports Confederation Secretary shall, on behalf of a Member, communicate any sport-related requests to the Local Municipality Sports Department or directorate.

9.8.2 Without encroaching or limiting the powers of the service point sports association or local federation/local federation structure (s), the Local Secretary is subject to this clause, empowered to when the need arises, communicate with all levels of sub-district department and/or local government and other stakeholders on behalf of Members for any sport related requests.

9.8.3 All Members are to adhere to the fullest to the Marketing and Communication Guidelines as shall be promulgated from time to time by the LEC and ratified by the General Assembly

### **9.9. By-Laws of this Constitution**

9.9.1 The by-laws of the constitution of Matlosana Municipality-LSC are:

9.9.1.1 The Standing Orders

9.9.1.2 The Codes Handbook

9.9.1.3 The Judicial Procedural Handbook

9.9.1.4 The LEC Governance Framework

9.9.1.5. The Membership Recognition and Compliance Criteria

9.9.1.6. The Safeguarding Policy

9.9.1.7. Nominations and Election Guidelines



9.9.1.8. The LSC financial Policy

**9.10. General Organization of Commissions, Independent and Ad Hoc Committees**

- 9.10.1 The standing Commissions and ad hoc committees will function as advisory bodies within those specific business areas as per the authority derived from the LEC through this Constitution.
- 9.10.2 The LEC shall determine the number and nature of LEC Commissions, independent and ad hoc committees.
- 9.10.3 LEC ad hoc committees Should be charged with investigating specifier issues and making recommendations to the LEC for decision. Any ad hoc committees appointed by the LEC to advise it on specific business shall be ratified by the General Assembly.
- 9.10.4 Notwithstanding the powers of the LEC to appoint independent committees as contemplated in Article 9.10-1 to 9-10.3 to the following independent committees shall be appointed by the LEC and ratified by the General Assembly:
  - 9.10.4.1 Audit and Risk Committee;
  - 9.10.4.2 Human Resources and Compensation Committee.
- 9.10.5 Notwithstanding the powers of the LEC to appoint independent committees as contemplated in Article 9.10.1 to 9.10.4, Matlosana Municipality-I-SC through its General Assembly, Constitution and associated by laws, shall establish an independent body known as the "Judicial Commission" to administer mediation, arbitration, inclusive of appeals and disciplinary procedures for sport in the sub-District.
- 9.10.6 The LEC shall provide support to the Athletes' Commission upon such terms as it may consider necessary to give effect to its powers.
- 9.10.7 Except for the Athletes' Commission and the Independent committees, all committees and commissions shall be chaired by a member appointed by the LEC
- 9.10.8 Non-independent standing commissions and ad hoc committees shall be subordinate to the LEC.
- 9.10.9 The Chairperson and Local Secretary may not chair any standing or LEC appointed Commission, independent or ad hoc committee, but shall be an ex officio member of any commission unless otherwise stipulated.
- 9.10.10 The LEC shall consider any imbalances or sensitivities in respect of diversity , equity or disability issues, but having regard to performance, the necessary experience and expertise required in appointing individual members as part of committees or commissions.
- 9.10.11 Independent individuals, with the necessary expertise or experience and skills, should be co-opted/appointed to LEC committees/commissions to achieve objectivity and independence.

**9.11 ATHLETES COMMISSION**

The Athletes' Commission is composed of active athletes who have competed at district/provincially in any sport (s) of a Member of Matlosana Municipality-LSC provided that a majority of them must have participated in a sport on the Olympic program recognized by the SASCOC affiliated national Federation and/or NWPSC affiliated provincial Federation. Members must be permanent residents of the sub-District and North-West Province, at least 16 years old and have never received any sanction in relation to the World Anti-Doping Code and Sport SA Codes Handbook.

- 9.11.1 Members shall be eligible to continue serving on the Athletes' Commission for no longer than eight (8) years after the athlete represented the sub-District or until the next QGM, whichever is the later.
- 9.11.2 The Commission shall comprise of at least ten (10) people, elected for a term of three (3) years, renewable, subject to the eligibility conditions, including:
  - 9.11.2.1 At least three (3) of each gender.
  - 9.11.2.2 At least two (2) athletes competed in any of the last three (3) editions of the District Championships.
  - 9.11.2.3 At least two (2) athletes who competed in the last two (2) editions of the District School Sports Championships; and
  - 9.11.2.4 Not more than one (1) person from any single sport code.
  - 9.11.2.5 In addition to the minimum of ten (10) members mentioned in article 9.10.12.2 above, the following shall be ex officio voting members of the Commission:
    - 9.11.2.6 Local sub-District Member (s) of the Matlosana Municipality-LSCs Athletes' Commission, if any; and
    - 9.11.2.7 Local District Member (s) of the [Dr Kenneth Kaunda District] Schools Sports Commission if any.
    - 9.11.2.8 Local District Member (s) of the [Dr Kenneth Kaunda District ] Disability Sports Committee or Masters or Legends Sports Committee: if any.
  - 9.11.2.9 The majority of the members of the Athletes Commission shall be athletes who have received District colours and represented Matlosana Municipality sub-District in a district event of a sport on the programmes of the Olympic and/or Paralympic Games and endorsed by their District Federation.
  - 9.11.2.10 The majority of the Members must be elected by their peers. The Chair of the Commission must be elected by and from among the Members of the Commission and must be a member who has been elected to the Commission by his/her/their peers.
  - 9.11.2.11 The LEC shall develop the Athletes Commission Governance Guidelines.

**ARTICLE 10: DISPUTE PREVENTION AND RESOLUTION**

- 10. Dispute Prevention and Resolution
  - 10.1 Every Member falling under the jurisdiction of the Matlosana Municipality-LSC shall ensure that any dispute that it has with a body or individual falling under the jurisdiction of the Matlosana Municipality-LSC is resolved in accordance

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with the dispute prevention and resolution procedures set out in the Constitution Rules and Regulations of NWPSC.

- 10.2 Where no specific dispute prevention or resolution is set out in the Constitution, Rules or Regulations, disputes shall be resolved by arbitration in terms of the Rules of the Arbitration Foundation of Southern Africa or its successor or, if appropriate by CAS in terms of CAS's Rules and Regulations.
- 10.3 It is recorded that the decision of the arbitrator or of CAS shall be final and binding on all parties, in all manners whatsoever.
- 10.4 The Judicial Commission (JC)
- 10.4.1 Disputes, disciplinary and ethical matters shall be managed by the Judicial Commission (JC) of Matlosana Municipality as ratified by the General Assembly.
- 10.4.2 The JC shall be an independent and separate body of legal and sports experts with members having applicable qualifications and experience, overseeing all disputes arbitration, mediation and disciplinary matters pertaining to Matlosana Municipality and its Members, subject to the rules of the relevant Local Federation/Local Federation structure, if any.
- 10.4.3 The JC shall not act or be considered the legal commission of Matlosana Municipality -
- 10.4.4 Every member of a JC shall have one vote each at their meetings and hearings.
- 10.4.5 Any matter referred to the JC may be subject to the payment of a fee, of which the amount and payment process shall be determined by the LEC from time to time in terms of the Matlosana Municipality - LSCs Judicial Procedural Guidelines.
- 10.4.6 Authority of the JC
- 10.4.6.1 All Members, affiliates and associates of Matlosana Municipality -I-SC shall recognise and accept the JC as an authority which may adjudicate, arbitrate, mediate or decide on sports related legal and disciplinary matters related to this constitution, its bylaws, the policies, rules and regulations of Matlosana Municipality - I-SC as well as that of its Members, subject to the rules of the relevant Local Federation/Local Federation structure, if any.
- 10.4.6.2 The JC may impose sanctions whether by way of censure, fines as approved by the LECI suspension, expulsion or banning from participating in any event or activity being conducted under the auspices of Matlosana Municipality I-SC or its Members, or the activities of [Dr Kenneth Kaunda District or as part of any team of Matlosana Municipality - L-SC or its Members subject to the rules of the relevant Local Federation or Local Federation structure if any.
- 10.4.6.3 The JC shall fulfil certain roles through the appointment of independent panels consisting of members from the JC or co-opted specialists as appointed to a panel on a case-by-case basis by the JC.
- Responsibilities of JC
- 10.4.6.4 The JC shall set up and continuously update its own terms of reference and Judicial Procedures forming part of the Codes Handbook of NWPSC, as adopted and amended by the General Assembly from time to time.
- 10.4.6.5 The JC shall mediate or arbitrate any matter referred to it in line with the procedures of the Arbitration Foundation of SA.

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- 10.4.6.6 The JC shall investigate and decide in respect of disputes and ethical matters, including safeguarding matters referred to it.
- 10.4.6.7 The JC shall hear and adjudicate disciplinary matters and impose the necessary sanctions.
- 10.4.6.8 The JC shall hear and determine appeals by any party against a decision of Matlosana Municipality - LSC or any Member affiliated to it, subject to the rules of the relevant Local Federation or Local Federation structure if any.
- 10.4.6.9 Appointment of the JC Members
- 10.4.6.10 Prior to each AGM, the Nominations and Elections Committee shall oversee the appointment of the JC members, all of whom shall be independent from any Member and structure of Matlosana Municipality - LSC.
- 10.4.6.11 The LEC shall, before each QGM, nominate in the members of the Judicial Commission (JC), for ratification by the QGM, who shall adjudicate disputes and disciplinary matters manage arbitration and review ethical matters referred to Matlosana Municipality - LSC as set out in this constitution, its by-laws and the policies of Matlosana Municipality - LSC.
- 10.4.6.12 The process and requirements shall be outlined in the terms of reference of the JC and member Of the JC may serve other commission or committee Of Matlosana Municipality - LSC.
- 10.4.6.13 No member of the Matlosana Municipality - LSC may serve as a member of the JC, attend any JC meeting or be part of any appointed panel or ad-hoc committee of Matlosana Municipality - LSC.
- 10.4.6.14 The JC shall amongst its members elect a Chairperson and a Registrar.
- 10.4.6.15 Composition of the JC
- 10.4.6.16 Not less than fifty percent (50%) + 1 members who are advocates/attorneys admitted to practice in the Republic or retired judges who previously acted as such.
- 10.4.6.17 The remaining members shall be appropriately trained and/or accredited mediators and of appropriately trained and/or accredited arbitrators and/or appropriately trained and/or accredited governance specialists.
- 10.4.6.18 At least six (6) in number.
- 10.4.6.19 Not less than fifty (50) percent gender representation.
- 10.4.6.20 At least one (1) member from each of the four racial groups classified by the Republic.
- 10.4.6.21 Terms of the JC
- 10.4.6.22 The term of office of the members of the JC shall be determined by the LEC in accordance with the set terms of reference as shall be developed from time to time.
- 10.4.6.23 The members may be re-appointed for a further term of office in accordance with this Constitution, with a limitation of two (2) terms.
- 10.4.6.24 The terms of reference and procedural mechanisms for the JC shall be defined separately in the by-laws of this constitution and ratified by the General Assembly.
- 10.5 Subject to the Constitution of the Republic and save in circumstances where there is a need for urgent relief of a sort which cannot be obtained through the dispute resolution procedures contemplated by this Clause, no body or

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individual falling under the jurisdiction of the Matlosana Municipality - LSC shall approach a Court of Law to decide on a dispute it has with a body or individual affiliated.

**ARTICLE 11: AMENDMENT TO THE CONSTITUTION**

- 11      Amendment to the Constitution
- 11.1      The interpretation and meaning of this Constitution and or any clause within it's rules or Bye-Laws shall be the sole responsibility of the LEC. In the event of a dispute the interpretation by the LEC will be final and binding on all parties.
- 11.2      No part of this Constitution shall be amended, altered or rescinded except at the Annual General Meeting or at a Special General Meeting called for that purpose and by way of a resolution of a two-thirds majority of those present and eligible to vote.
- 11.3      Notice in writing of any proposed alteration shall be received at least thirty (30) days prior to such meeting and the Local Secretary shall send a copy of such notice to all affiliates at least twenty-one (21) days before such meeting.
- 11.4      A copy of any amendments to this Constitution shall be submitted to the Commissioner of Inland Revenue for purposes of section 30 of the Income Tax Act No 58 of 1962 (as shall be amended or its successor).

**ARTICLE 12: DISSOLUTION**

- 12      Dissolution
- 12.1      The Matlosana Municipality-LSC may be dissolved at any time by a resolution in Favour of dissolution by a majority of not less than four-fifths of the members present in person and entitled to vote as set out above at a Special General Meeting called specifically for such purpose and of which ninety (90) clear days' notice specifying the intention to propose such a resolution has been given.
- 12.2      Upon the dissolution of the Matlosana Municipality-LSC, its property not consisting of money shall be sold and the proceeds, together with so much thereof as shall consist of money, shall be applied in satisfaction of the debts and liabilities of the Matlosana Municipality-SC and subject thereto, the balance shall be distributed equally among affiliates of the Confederation which are also registered as a "Public Benefit Organization" in terms of Section 30 of the Income Tax Act, or to some other similar public benefit organization which has been approved in terms of Section 30 of the Income Tax Act No 58 of 1962, to be determined by the Confederation at or before the time of its dissolution or, failing such determination, by the court.
- 12.3      Upon dissolution Matlosana Municipality-LSC shall pay off all its debts. After doing this, if there is property or money left over, such property and money will not be paid or transferred to members of [Dr Kenneth Kaunda District] but will be dealt with and paid over and transferred to another non-profit organization with similar objectives Matlosana Municipality's LSC may in a General Meeting decide to which organization such money and assets are to be transferred.

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**ARTICLE 13: ENFORCEMENT**

This Constitution and its associated by laws were adopted by the General Assembly present at the Annual General Meeting of Matlosana Municipality-LSC held at the

.....on ..... day of .....

Chairperson: ..... Signature:

Local Secretary ..... Signature:

END