

# SAFDA Constitution

## Article 1 - Name, Legal Status & Objects

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- 1.1** The name of the organisation is the South African Flying Disc Association ("SAFDA").
- 1.2** SAFDA shall be a non-profit organisation registered under the Nonprofit Organisations Act 71 of 1997. It is a legal person, separate from its members, and may own property, contract, and sue and be sued in its own name. It continues to exist despite changes in its membership or office-bearers.
- 1.3** SAFDA is the sole national governing body for flying disc sports in the Republic of South Africa, and the umbrella body to which every Provincial Association, District Association, Club member and Individual participant is ultimately accountable.
- 1.4** SAFDA exists to:
- (a)** govern, promote and develop flying disc sports throughout South Africa in the Spirit of the Game (SOTG), at all levels of competition from social play, to provincial and national competition, to South Africa's participation in international flying disc sport events;
  - (b)** build and maintain a federated structure - Individual, Club, District Association, Provincial Association and SAFDA Council/ExCo - through which money, legal authority and communication flow predictably at every tier;
  - (c)** uphold fair, transparent and accountable governance, including formalised checks on power, neutral disciplinary process, and the protection of members' rights;
  - (d)** safeguard every person, and especially every minor, who participates in the sport.
  - (e)** pursue policies and programmes that redress inequity in flying disc sports and South African sports generally, through access, equity and affirmative action measures, and that promote diversity and inclusivity at all levels of flying disc sports.
- 1.5** Compliance
- 1.5.1.** This Constitution is governed by the law of the Republic of South Africa.
- 1.5.2.** This Constitution is governed by and interpreted according to the laws of the Republic of South Africa. SAFDA must adopt best practices and policies in line with the National Sport and Recreation Act of 1998 and as amended from time to time.
- 1.5.3.** SAFDA is mandated to seek and maintain membership of the World Flying Disc Federation (WFDF) and All Africa Flying Disc Federation (AAFDF) in accordance with the constitutions, bylaws and regulations of those bodies and to promote the rules of disc sports as determined by WFDF.
- 1.5.4.** SAFDA is mandated to pursue and maintain recognition by the South African Sports Confederation and Olympic Committee ("SASCOC") and align its governance with SASCOC's good-governance, transformation, and reporting requirements on an ongoing basis.
- 1.5.5.** SAFDA, its members and their participants must abide by the anti-doping regulations of the South African Institute for Drug-free Sport, the World Anti-Doping Code, and the International Olympic Committee.
- 1.5.6.** SAFDA and all its members are bound by the Safeguarding Policies of SAFDA and SASCOC and must ensure that their participants comply with these policies. SAFDA will amend its Safeguarding Policy as required by legislation, South African government policy or regulations from time to time, through the Executive Committee and on approval of Council.
- 1.5.7.** SAFDA will cooperate with the Court of Arbitration for Sports.

## Article 2 - Definitions

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In this Constitution, and in every Bylaw, Policy and Model Constitution adopted under it, the following terms have the meanings given below unless the context requires otherwise:

**Associate Member.** Entities developing, promoting or supporting flying disc sports that seek affiliation with SAFDA and hold no voting rights.

**Association.** A Provincial Association or a District Association, as the context requires.

**Board.** The ExCo, the non-executive heads of the various disc sport disciplines that are recognised by WFDF and other positions that may be created by Council.

**Bylaw.** A binding instrument adopted by Council under Article 16.4 that sets minimum standards for SAFDA and lower tiers of the federation without requiring a full constitutional amendment (e.g. the Financial Management & Membership Fees Policy, the Safeguarding Policy).

**Club.** A body constituted under a Model Club Constitution, affiliated to a District Association (or, exceptionally, directly to a Provincial Association).

**Commission.** A standing or ad hoc body established by Council resolution under Article 7 to represent a constituency (e.g. Athletes, Students, Schools) or a discipline at the national level.

**Council.** The SAFDA Council constituted under Article 5.

**District Association.** A body constituted under a Model District Association Constitution, affiliated to a Provincial Association.

**ExCo.** The SAFDA Executive Committee constituted under Article 6.

**Financial Year.** 1 March to the last day of February each year.

**Good Standing.** The status of a member body that has adopted a compliant constitution, meets the minimum standards in the Associations & Clubs Bylaw, is up to date on its membership dues, and is not under an active suspension.

**Member.** A provincial association or associate member of SAFDA that has a seat on Council.

**Participant.** An individual who takes part in the activities of SAFDA or flying disc sports, such as, but not limited to, a player, coach or administrator.

**Policy.** A deliberate strategy or stance of SAFDA that may, but not necessarily, be codified in a bylaw, and includes decisions, bylaws, regulations, plans and programmes.

**Provincial Association.** A body constituted under a Model Provincial Association Constitution, affiliated directly to SAFDA, one per province.

**SASCOC.** The South African Sports Confederation and Olympic Committee.

## Article 3 - The Federated Structure

- 3.1** SAFDA is organised as a five-tier federated structure: **Individual** → **Club** → **District Association** → **Provincial Association** → **SAFDA Council/ExCo**. Each tier's constitution or adoption schedule must be consistent with this Constitution and the Associations & Clubs Bylaw.
- 3.2** At every tier, three flows are formally defined: **money** (who pays whom, and the cap on any mark-up), **legality/jurisdiction** (who governs, disciplines and is accountable to whom), and **communication/authority** (how bodies elect upward and how power is checked). The table below summarises them; the detailed rules sit in the Bylaw, the Model Constitutions and the Policies made under this Constitution.

| Tier                             | Money                                                                                                                          | Legality / jurisdiction                                                          | Communication / authority                                                                                                     |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| SAFDA Executive Committee (Exco) | Receives dues from provinces; sets national fee; routes event fees                                                             | National jurisdiction over all disc sports; final disciplinary appeal;           | ExCo elected by Council; ExCo stays below a voting majority; Exco members can not fulfil the role of another council position |
| SAFDA Council                    | None                                                                                                                           | Safeguarding standard-setter, votes on SAFDA sanctioned events                   | Council votes are public, council votes on constitutional changes                                                             |
| Provincial Association           | Pays all provincial players' dues up to SAFDA; may mark up ≤150% of SAFDA's fee                                                | Provincial management, development, transformation; monitors Districts           | 3 managers + district-chair reps; managers cannot also be district reps                                                       |
| District Association             | Pays all district players' dues up to province; may mark up ≤200% of SAFDA's fee                                               | District leagues, district squads, new-club development; monitors Clubs          | 3 managers + club-chair reps; managers cannot also be club reps                                                               |
| Club                             | Collects from individuals; pays up to district association                                                                     | Fields, enters events, collects fees, keeps registers                            | Management team of 3+; club members elect management                                                                          |
| Individual                       | Pays club; guiding threshold — no player pays more than the amount set under the Financial Management & Membership Fees Policy | Gains membership rights: dispute resolution, complaints, safeguarding protection | Votes for club management by secret ballot at club level                                                                      |

- 3.3** SAFDA designs its structure for all nine provinces recognised by SASCOC. A Provincial Association may exist as a **dormant shell** — formally constituted but not yet operationally active — pending sufficient volunteer capacity or membership in that province. A dormant Provincial Association does not hold a Council seat until it activates in accordance with the Elections & Delegate Voting Regulation.
- 3.4 Legal separateness & liability.** Each Tier Body (Club, District Association, Provincial Association) is a distinct legal person, separate from SAFDA and from every other Tier Body, and acts in its own name and for its own account, not as an agent for SAFDA or any other Tier Body. No Tier Body is liable for the debts, obligations or legal liabilities of another Tier Body solely because of their affiliation under this federated structure, except where a Tier Body has expressly, in writing, guaranteed or co-signed a specific obligation of another Tier Body, or where a Policy made under this Constitution expressly allocates liability differently (for example, the Responsible Party / Operator allocation in the POPIA & Data Handling Policy).
- 3.5 Insurance.** Each Tier Body should hold insurance appropriate to its activities and scale, including public liability cover for events it runs, and discloses its insurance position in its Annual Compliance Report under the Compliance & Annual Reporting Framework. This is an expectation Council monitors and supports Tier Bodies toward meeting, not an automatic Good Standing failure where a smaller body genuinely cannot yet afford cover.

## Article 4 - Membership of SAFDA

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- 4.1** The members of SAFDA are its affiliated Provincial Associations that are in Good Standing. On approval of the SAFDA Council, the Executive Committee (ExCo) may accept Associate Members onto Council. Associate Members are entities that develop and promote disc sports who seek affiliation with SAFDA but hold no voting rights.
- 4.2** District Associations, Clubs and Individuals are members of the federated structure and enjoy the rights set out in the Membership Policy, but hold their formal governance rights (voting, standing for election) at the tier immediately above them, in accordance with Article 3.
- 4.3** Membership of a Provincial Association in SAFDA ends on written resignation, on ceasing to meet the Good Standing criteria, or on expulsion following a fair process under the Disciplinary & Dispute Resolution Policy.
- 4.4** All members of SAFDA must conduct all activity in full compliance with the SAFDA Constitution, bylaws and any rules or regulations adopted by SAFDA from time to time. Acceptance of membership is a commitment to abiding by the principles, policies, directives and disciplinary actions of and issued by SAFDA.
- 4.5** To apply for and retain SAFDA membership, Provincial Associations and Associate Members must submit an application as determined by the Executive Committee (ExCo) annually, as per the Membership Policy.
- 4.6** Members in Good Standing of SAFDA enjoy the right to:
- (a) attend, speak at, and propose matters to be included in the agenda of Council meetings;
  - (b) nominate candidates for election to the Board, including ExCo;
  - (c) receive the SAFDA Chairperson's annual report, audited financial statements and any other documents required in terms of SAFDA's Constitution, bylaws or policies.
- 4.7** Members in Good Standing of SAFDA have the responsibility to:
- (a) meet and maintain the Good Standing criteria;
  - (b) do all things necessary to comply with SAFDA's Constitution, bylaws, policies, regulations, directives and decisions and with legislation;
  - (c) always act in the best interests of SAFDA, its members and disc sports;
  - (d) always act in cooperation and good faith with SAFDA and never bring disc sports or SAFDA into disrepute;
  - (e) supply any report or document to SAFDA when requested with reasonable and just cause.
- 4.8** Provincial Association Members in Good Standing of SAFDA have the additional obligation to:
- (a) govern and develop disc sports within the geographical boundaries of their province according to any and all SAFDA bylaws or policies, and principles of good governance, including, but not limited to, inclusive and equitable development and provision of disc sports so that all people in their province may enjoy disc sports without discrimination on the basis of age, ability, gender, race, nationality, ethnicity, sexual orientation, religion, or socioeconomic status, whether such discrimination is by design or by practice;
  - (b) adhere to and enforce the Disciplinary & Dispute Resolution Policy, or other conflict resolution bylaws or policies as adopted or amended from time to time, within their province;
  - (c) maintain their Register according to the requirements set out in the Membership Policy and upon reasonable notice, comply with any random or scheduled audits of registers or participant lists that SAFDA may conduct.

## Article 5 - The SAFDA Council

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### Composition

**5.1** Council is composed of:

- (a)** the head (or nominated delegate) of each Provincial Association in Good Standing, including dormant shells once activated;
- (b)** the head (or nominated delegate) of each Commission holding a voting seat under Article 7.4, while it is in Good Standing;
- (c)** the members of ExCo, **who together may never hold a voting majority of Council;** and
- (d)** the head (or nominated delegate) of any Associate Members of SAFDA.

**5.2** Council votes are public, recorded in the minutes against each member body, except where a matter concerns a live disciplinary or legal issue and Council resolves to vote by secret ballot.

### Powers

**5.3** Council is the supreme decision-making body of SAFDA. It elects and may remove ExCo office bearers, adopts and amends Bylaws and Policies, sets the national membership fee, establishes and dissolves Commissions.

## Article 6 - The SAFDA Board & Executive Committee (ExCo)

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- 6.1** The Board is responsible for the implementation of policies of SAFDA as determined at duly constituted Council meetings. The Board is constituted by the ExCo and the non-executive heads of the various disc sport disciplines that are recognised by WFDF and regularly practised in four or more South African provinces and other non-executive Board positions the Council may establish by resolution.
- 6.2** ExCo comprises at least four elected positions — a Chairperson, Vice-Chairperson, Secretary and Treasurer — elected by Council from among Council's eligible nominees, for a term of **one year**, and is accountable to Council. ExCo members may stand for re-election. Council may create additional ExCo positions as SAFDA's needs grow.
- 6.3** The non-executive Board members are responsible for overseeing the management of their respective disciplines in South Africa, including national level activity and supporting the Provincial Associations in governing those disciplines.
- 6.4** ExCo's members may never together hold a voting majority of Council (Article 5.1(c)). This is the structural safeguard against ExCo capturing the body that is meant to hold it accountable.
- 6.5** ExCo is responsible for the day-to-day management of SAFDA between Council meetings, implementation of Council resolutions, and the national administration of the sport.
- 6.6 Power to contract.** ExCo may, within a budget approved by Council, contract out work to service providers, professional advisors or independent contractors (including administrative, financial, legal and secretarial functions) without this constituting employment of those persons by SAFDA. Any such contract must be consistent with Article 14 (Employment, Contracting & Conflict of Interest).
- 6.7 Secretary-General.** SAFDA does not adopt a separate Secretary-General role at this stage. The Secretary carries the associated administrative responsibilities in the interim, including acting as the POPIA Information Officer under the POPIA & Data Handling Policy. Council may in future formally adopt a Secretary-General or equivalent paid administrative head by amending this Constitution; if adopted, such a role is appointed by Council under Article 6.6 and is not itself a Council member, consistent with Article 14.1.
- 6.8 Committees.** The Board has the power to establish committees subordinate to it for the purpose of executing tasks, projects, programmes or any other function necessary for fulfilling the Board's mandate. Committees require ratification of their decisions by the ExCo prior to carrying out any action. Committees need not be chaired by Board members but at least one Board member must be present on each committee.
- 6.9 Vacancies.** In the event that a vacancy on the Board occurs:
- 6.9.1. The ExCo must call for nominations from its members and facilitate an electronic ballot open to members with voting rights on Council.
  - 6.9.2. If no nominations are made by the deadline set by the ExCo, the ExCo has the right to fill the vacancy. Such a deadline must be at least seven (7) calendar days after the written call for nominations is issued.
  - 6.9.3. The elected or appointed office bearer fills the position until the next AGM and is eligible for re-election.

## Article 7 - Commissions

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- 7.1** Council may, by resolution, establish or dissolve a Commission to represent a constituency (for example Athletes, Students, Schools) within the sport.
- 7.2** At launch, SAFDA establishes an **Athletes Commission** and a **Coaches Commission**, each holding a voting seat on Council under Article 7.4. Council may establish further Commissions under Article 7.1 to represent other constituencies or disciplines (for example Gender Equity, Schools/Universities/Colleges); unless Council resolves to grant a further Commission a voting seat, it contributes to Council's deliberations but does not vote.
- 7.3** Each Commission adopts terms of reference approved by Council, covering its purpose, membership and reporting line. Where a Commission holds a voting seat under Article 7.4, its terms of reference must provide for the person exercising that seat to be elected by the Commission's own constituent members by secret ballot, consistent with the Elections & Delegate Voting Regulation - Council approves the terms of reference but does not itself choose who holds the seat.
- 7.4 Voting seats.** The Athletes Commission and the Coaches Commission each hold a voting seat on Council; no other Commission does, unless Council resolves by ordinary resolution to grant one. Any Commission holding a voting seat only exercises it while the Commission is in Good Standing; a Commission that falls out of Good Standing retains its right to attend and be heard, but loses its vote until it is restored.

## Article 8 - Meetings

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### 8.1 Annual General Meeting (AGM)

8.1.1 The ExCo is responsible for ensuring that an AGM of the Membership is held every year on such a date and at such a venue or on such a digital platform as determined by the Board.

8.1.2 Written notice of the AGM must be given at least thirty (30) calendar days in advance to the Membership.

8.1.3 The notice must include the agenda of the AGM, the minutes of the previous AGM and a copy of the annual financial statements for the financial year ended on the last day of February of that year.

8.1.4 The agenda will include:

- (a) Roll call of Membership
- (b) Apologies
- (c) Approval of the agenda of the AGM
- (d) Ratification of the minutes of the previous AGM
- (e) Matters arising from the minutes of the previous AGM
- (f) Chairperson's Annual Report
- (g) Matters arising from the Chairperson's Report
- (h) Treasurer's Annual Report
- (i) Consideration and approval of the audited annual financial statements for the year ended on the last day of February of that year
- (j) Appointment of auditors
- (k) Election of members of the Board
- (l) Consideration of any proposals from the members that have been submitted to the ExCo in time for their inclusion in the agenda
- (m) Consideration of applications for membership
- (n) Consideration of expulsion of members
- (o) Consideration of any other business requiring the consideration of SAFDA and its membership

8.1.5 The Chairperson presides over AGMs. In the event that the Chairperson is absent, the Vice-Chair assumes this role and if neither is available, another member of the ExCo will chair the AGM.

8.1.6 Attendance of the AGM is restricted to Council and invited parties.

- (a) The members may send one delegate each.
- (b) The names and roles of the delegates must be submitted in writing to the ExCo seven (7) calendar days before the meeting.
- (c) Members unable to send a delegate must give their apologies in writing at least three (3) working days before the AGM.

8.1.7 The Secretary conducts the election and appoints an alternative Board Member in the event that the Secretary is a candidate for a Board position's election.

8.1.8 The AGM may be held electronically or hybridly at a national tournament. Reasonable accommodation of the membership must be made to ensure fair attendance and participation.

8.1.9 The quorum of the AGM is 50% +1 of membership.

### 8.2 Special General Meeting (SGM)

8.2.1 A Special General Meeting (SGM) may be called by the ExCo whenever it deems such a meeting necessary or by the membership through a written requisition of 25% of the Members in Good Standing to the ExCo. The agenda for such a meeting must be given in the requisition.

8.2.2 The ExCo confirms the requisition and gives written notice, including the agenda in the requisition, to the membership thirty (30) calendar days in advance of the meeting.

8.2.3 The Chairperson presides over SGMs. In the event that the Chairperson is absent, the Vice-Chair assumes this role and if neither is available, another member of the ExCo will chair the SGM.

8.2.4 Attendance of the SGM is restricted to Council members.

- (a) The members may send one delegate each.
- (b) The names and roles of the delegates must be submitted in writing to the ExCo seven (7) calendar days before the meeting.
- (c) Members unable to send a delegate must give their apologies in writing at least three (3) working days before the SGM,

8.2.5 The SGM is held electronically on a platform determined by the ExCo.

8.2.6 The quorum of the SGM is 50% +1 of membership.

### **8.3. Council Meetings**

8.3.1 Council meets quarterly, including the AGM and any SGM.

8.3.2 Written notice of Council meetings must be given thirty (30) calendar days prior.

8.3.3 Council meetings are held electronically on a platform determined by the ExCo.

8.3.4 The agenda of Council meetings must be confirmed three (3) calendar days prior to the meeting. Members may request items be added to the agenda at least three (3) calendar days before the meeting.

8.3.5 All meetings must be minuted, stored by the ExCo and available to members on request.

8.3.6 The quorum for Council meetings is 50% +1 of membership.

### **8.4. Board Meetings**

8.4.1 The Board meets at least quarterly.

8.4.2 Written notice of Board meetings must be given fourteen (14) calendar days prior to the meeting.

8.4.3 Board meetings are held electronically on a platform determined by the ExCo.

8.4.4 The agenda for Board meetings is confirmed at least one day prior to the meeting. Members may request items be added to the agenda.

8.4.5 All meetings must be minuted, stored by the ExCo and available to members on request.

8.4.6 The Quorum for Board meetings is 50% +1.

### **8.5. ExCo Meetings**

8.5.1 The ExCo meets at least monthly, including the AGM, any SGM, Council and Board meetings.

8.5.2 Written notice of ExCo meetings must be given seven (7) calendar days prior to the meeting. Minutes of previous meetings must be available seven (7) calendar days before the scheduled meeting.

8.5.3 ExCo meetings are held electronically on a platform determined by the ExCo.

8.5.4 The agenda for ExCo meetings is confirmed at least one day prior to the meeting. ExCo members may request items be added to the agenda.

8.5.5 All meetings must be minuted, stored by the ExCo and available to members on request.

8.5.6 The Quorum for ExCo meetings is 50% +1.

## Article 9 - Elections

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- 9.1** The detailed conduct of elections at every tier — nomination, voting method, dispute handling — is set out in the Elections & Delegate Voting Regulation made under this Constitution. This Article states the governing principles.
- 9.2 Electronic voting.** Elections at every tier may be conducted electronically. Where they are, the vote must be audited by an independent third party engaged for that purpose, whose findings are reported to Council (or, at lower tiers, to the relevant Association).
- 9.3 Founding elections.** Because Provincial and District Associations do not yet formally exist, the first elections at each tier are bootstrapped as follows: the Cape Town Flying Disc Association (CTFDA) facilitates a national player register; individuals who played at least at regional level in the prior twelve months are entitled to vote, as individuals via their team, to elect the first Provincial and District bodies. These founding elections are subject to the electronic-voting and independent-audit requirements in Article 9.2.
- 9.4** Minimum representation: a Provincial Association's management may not be drawn entirely from one district, and a District Association's management may not be drawn entirely from one club. Where there are genuinely not enough volunteers to meet this standard, the relevant Association may resolve to pay a person to fill the position, subject to the Financial Management & Membership Fees Policy and Article 14.

## Article 10 - Votes of No Confidence

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- 10.1** Any member of Council may call for a vote of no confidence ("VONC") against any other Council member or office-bearer, seconded by at least one other Council member.
- 10.2** The threshold required to pass a VONC is **two-thirds** of Council members entitled to vote, excluding the subject of the motion.
- 10.3** The same mechanism, adapted, applies at every lower tier under its own constitution or adoption schedule.

## Article 11 - Finances

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**11.1 Use of SAFDA funds.** The income and property of SAFDA must be applied to the fulfillment of its main object and may not be paid or transferred, directly or indirectly, to SAFDA Members or individual persons, with the exception of reasonable remuneration to any officer or servant of SAFDA or to any member in return for services rendered to SAFDA. Members and office bearers do not have right over income and property of SAFDA.

**11.2 ExCo responsibilities:**

- (a) Maintain one or more bank accounts in the name of the South African Flying Disc Association with a recognised financial institution;
- (b) Operate the bank accounts according to sound financial management practices stipulated in legislation, SAFDA bylaws and any relevant policy documents;
- (c) Designate two or more authorised signatories from the members of the ExCo;
- (d) Whenever funds are taken out of the bank account, the SAFDA Treasurer and at least one other authorised signatory must sign the withdrawal;
- (e) All banking, income, expenses, and investments are managed according to SAFDA's Financial Management Policy and relevant bylaws.

**11.3** The financial year of the organisation starts on 01 March and ends on 28 February.

**11.4** SAFDA's accounting records must be ready and handed to the director of Non-profit Organisations within six months after the end of the financial year.

**11.5** SAFDA may not enter into any debt whatsoever.

**11.6** If SAFDA has funds that can be invested, the funds may only be invested with registered financial institutions and in accordance with the Financial Management & Membership Fees Policy.

**11.7 Audits.** SAFDA's accounting records are subject to an annual external audit by an auditor appointed by the ExCo on the approval of Council at the AGM.

**11.8** Council sets SAFDA's base annual membership fee and approves SAFDA's budget annually. The detailed fee cascade, mark-up caps at each tier, event-fee routing, and audit requirements are set out in the Financial Management & Membership Fees Policy.

**11.9** No fee at any tier may be set, or marked up, so as to price players out of the sport. The player-facing guiding threshold and the underlying base fee are confirmed in the Financial Management & Membership Fees Policy.

**11.10 Remunerated positions.** Council may, for a specific Provincial Association and by a resolution passed by two-thirds of Council members present and voting, adopt a model under which one or more of that Province's management positions are remunerated rather than purely voluntary, on the terms set out in the Remunerated Provincial Positions Policy. Any such model must observe the separation between governance and paid roles in Article 14.1.

**11.11** Every Association and Club must keep publicly accessible minutes and financial records, in accordance with the Associations & Clubs Bylaw, and is subject to audit as set out in the Financial Management & Membership Fees Policy.

## Article 12 - Discipline & Dispute Resolution

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- 12.1** SAFDA applies a graduated disciplinary model — written note, warning, suspension, expulsion — set out in full in the Disciplinary & Dispute Resolution Policy.
- 12.2** A member body under investigation, or facing a decision that affects it, recuses from voting on that matter.
- 12.3** Final appeal lies to an Independent Tribunal, constituted and operating as set out in the Disciplinary & Dispute Resolution Policy, consistent with the standard increasingly expected of SASCOC-recognised federations.
- 12.4** Neutrality in every disciplinary and governance process must be both procedural and substantive. A procedurally fair process built on one-sided framing does not satisfy this Article.
- 12.5** No matter what the difference between the disputing parties, no case may be taken to a court of law, and as a condition of membership SAFDA shall require members to renounce the right to take a dispute before a court of justice, with exception to cases involving gross misconduct by SAFDA and where all available conflict resolution processes have been exhausted.

## Article 13 - Safeguarding

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- 13.1** SAFDA's Safeguarding Policy is the baseline standard for any event, squad or program involving minors.
- 13.2** Compliance with the Safeguarding Policy is not merely a disciplinary matter: **an event, squad or body that cannot demonstrate compliance does not count toward SAFDA rankings**, in addition to any suspension that may follow under Article 12.
- 13.3** Every Association and Club is responsible for ensuring its own activities comply with the Safeguarding Policy, including any required background checks, supervision ratios and designated safeguarding officers.

## Article 14 - Employment, Contracting & Conflict of Interest

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- 14.1 Separation of governance and paid roles.** A member of Council, or of the management committee of any Association or Club, may not concurrently be a paid employee or contractor of the body on whose governing structure they sit, other than in a role expressly authorised by that body's constitution and disclosed to its members or when the Council or Association approves the role according to Article 11.10.
- 14.2 ExCo's contracting power.** ExCo may contract out work under Article 6.6. Doing so does not, by itself, create an employment relationship, but every such contract must be structured and administered so as to avoid the control factors (fixed reporting lines, voting authority within SAFDA's governance structures) that risk deeming a contractor an employee under South African labour law.
- 14.3 Converting an elected position to a contracted one.** Where any tier's constitution designates a position (for example, a Secretary) as an elected office-bearer, that position may only be converted to a paid, contracted role by way of a formal amendment to that tier's own constitution, adopted under its amendment procedure. A Council resolution or informal practice is not sufficient.
- 14.4 Contractor classification.** Before any Tier Body engages a person as an independent contractor rather than an employee - including under Article 14.2, the Remunerated Provincial Positions Policy, or any Founding Election honorarium under the Transition & Grace-Period Plan - it must apply the contractor-classification checklist in the Financial Management & Membership Fees Policy and record the outcome. This obligation applies at every tier, not only to SAFDA's own contracting under Article 14.2, and exists because the same misclassification risk recurs wherever a Tier Body pays someone outside an employment relationship.

## Article 15 - POPIA & Data Protection

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- 15.1** SAFDA maintains a national register of members (name, location, club affiliation, demographics) for SASCOC reporting and governance purposes. This register constitutes personal information under the Protection of Personal Information Act 4 of 2013 ("POPIA").
- 15.2** SAFDA is the responsible party for the register as a whole; each Association and Club acts as an operator for its own slice of the data, on the terms set out in the POPIA / Data Handling Policy.
- 15.3** Detailed lawful basis, retention, access and security requirements are set out in the POPIA / Data Handling Policy.

## Article 16 - Amendment

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- 16.1** This Constitution may only be amended by a resolution passed at an AGM (or a special general meeting called for that purpose) by **two-thirds** of members in Good Standing and other Council members with full voting rights present and voting, on **30 calendar days'** written notice of the proposed amendment.
- 16.2** A Model Constitution (Club, District or Provincial) may only be amended in accordance with its own amendment procedure, which must not be less demanding than a majority of that tier's members in Good Standing.
- 16.3** Article 14.3 (elected positions converting to contracted roles) applies to any amendment made under Article 16.2.
- 16.4** Bylaws and Policies made under this Constitution may be adopted or amended by ordinary resolution of Council, without requiring a full AGM, provided they remain consistent with this Constitution.

## Article 17 - General

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- 17.1** SAFDA commits to an annual Good-Governance self-assessment, demographic reporting and constitutional-alignment review, in accordance with SASCOC's recognition requirements, whether or not recognition has yet been granted.
- 17.2** If any provision of this Constitution is found invalid or unenforceable, the remaining provisions continue in force.
- 17.3** On dissolution of SAFDA, its net assets are to be transferred to another non-profit body or bodies with similar objectives, and not distributed to any member or office-bearer. The decision to dissolve the organisation rests with Council. The organisation may be dissolved if two thirds of members at a general Council meeting held for the purpose of this matter are in favour of dissolution. At least thirty (30) calendar days' notice must be given of such a meeting with the agenda items of the question of dissolution and distribution of the organisation's assets included.
- 17.4 Public statements**
- (a)** The official spokesperson of SAFDA is the Chairperson and when established, the Secretary General. Any and all public statements, press releases or other public communications to the media must be authorised by the Chairperson in consultation with the ExCo before such release is made.
  - (b)** No office bearer or participant may make any public statement on behalf of the organisation without the prior approval of the Chairperson.

## **BYLAW 1 of 2026: Transitional Provisions & Commencement 2026-2027**

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- 1.1 Adoption route.** SAFDA adopts this Constitution by way of a phased transition rather than a single replacement: the new structure is first formally communicated to the membership, followed by a rollout phase during which Provincial and District Associations are formed, populated and brought into Good Standing, with the intention that the new structure is fully commenced by the end of **2027**.
- 1.2** Until a given Provincial or District Association is formed and admitted to Good Standing under this Constitution, the corresponding structures and processes of SAFDA's prior constitution continue to apply to members in that area, to the extent necessary to avoid a governance gap.
- 1.3** Council is responsible for publishing a rollout timetable and for reporting progress against it at each meeting during the transition period.
- 1.4** All nine Provincial Associations are constituted under Article 3.3 at the outset of the rollout; those without sufficient activity remain dormant shells until activated.