



# **PRETORIA HIGH SCHOOL OLD BOYS ATHLETIC CLUB (PHOBIANS)**

## **CONSTITUTION AND RULES**

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# **CONSTITUTION**

## **Article 1: Definition and Terms**

In this constitution, except where incompatible with the context, the following terms shall have the meanings indicated:-

- PHSOB – The Pretoria High School Old Boys Club.
- Phobians – The shortened name for Pretoria High School Old Boys Athletic Club.
- AGN – Athletics Gauteng North.
- ASA – Athletics South Africa.
- Annual General Meeting (AGM) – the meeting as formulated in Article 8.
- Special General Meeting (SGM) – as per Article 8 of the constitution.
- Management – The management of the Club according to Article 14 of the Constitution.
- Management committee – The management committee of the Club as per Article 8 of the constitution.
- Committee – The committee as formulated and referred to in Article 9 and Article 14.2.
- Urgent matters – That is matters that, if decisions on them are delayed for more than 7 days, could have a negative impact on the Club.
- Constitution – The constitution of Pretoria High School Old Boys Athletic Club.
- Athletics – includes all aspects of athletics i.e. Track and Field, Cross Country, Road, Coaching officials, Administrators and Management.
- IAAF – The International Association of Athletics Federations.
- Selection committee – The selection committee of the Club as per Article 23
- Standing committee – The co-ordinator of a standing committee is also a permanent member of the management of the Club i.e. the member for Road, Track and Field, Cross Country etc.
- Ad hoc committee – Committees compiled for a specific purpose i.e. compiling the annual program. The committee ends with the completion of the task.
- Financial Year – The financial year of the Club referred to in Article 25
- PBHS - Pretoria Boys High School.

## **Article 2: Name and Legal entity**

1. The name of the Club is the Pretoria High School Old Boys Athletic Club herein referred to as “Phobians” or the “Club”.
2. Phobians shall be a sub-section of the Pretoria High School Old Boys Club, hereafter referred to as PHSOB, and will abide by the Constitution and Rules of that Club.
3. The objectives of Phobians may be achieved by, inter alia. Taking all steps and following all procedures which are lawful and compatible with the aims and objectives of Phobians.
4. Keeping, saving and investing the assets and funds of Phobians and tendering any share of it as security where it may be required in promoting its aims and objectives and raising funds for any purpose which may be deemed legally necessary.

### **Article 3: Jurisdiction**

1. The Club falls under the Jurisdiction of AGN and ASA.

### **Article 4: Head office**

1. The headquarters/office of Phobians shall be the PHSOB Club, Queen's Crescent, Lynnwood, Pretoria, Gauteng.
2. Moving of the headquarters/office can only take place with approval of two thirds of the members of the Club present at an AGM or SGM after proper notice in this regard has been given.

### **Article 5: Membership**

1. Membership of the Club will be obtained by:-
  - a. Application for membership shall be made by completing the applicable membership application forms to join the PHSOB Club and the Phobians sub-section and obtaining the signature of a proposer and seconder.
  - b. Phobians shall consist of all paid-up members affiliated to it.
  - c. The Committee shall, at its sole discretion, accept or reject applicants for membership of the Club.
  - d. The Committee shall have the right to limit membership from time to time.
  - e. Each Member shall be in possession of a membership card of the Pretoria High School Old Boys Club.
  - f. Membership shall be open to all racial groups and genders.
  - g. Applicants shall only become members once their application for membership has been approved by the PHSOB committee and subscriptions that are due have been paid.
2. Membership shall be divided into three classes, as follows:-
  - a. Seniors, i.e. those Members being 18 years and over.
  - b. Juniors, i.e. those Members being 13 years and over, but under 18 years.
  - c. Juveniles, i.e. those Members under the age of 13 years.
3. Membership is subject to the rules of the PHSOB Club, AGN and ASA.
4. Management can end membership without giving reasons but must report to the AGM in this respect.
5. Membership automatically ceases if membership fees have not been paid at the end of March of the current year.
6. Honorary membership could be granted to members or non-members that have provided an exceptional service to the Club as recognition for his/her contribution. Management will submit a proposal to the AGM for approval.
7. All Members shall abide by and be bound by the Constitution and Rules of Phobians.

### **Article 6: Objective**

1. The objective of Phobians shall be to foster, promote, encourage and generally assist in the development and maintenance of athletic sports, and to do everything in its power to attain these objectives.
2. To eliminate all forms of discrimination in the sport.
3. To promote the Club to the benefit of all its member.
4. To protect the rights of members.

5. To support members in any way possible to enable them to improve their performances.
6. Taking all steps and following all procedures which are lawful and compatible with the aims and objectives of Phobians.
7. Raising funds for any purpose which may be deemed necessary.
8. Keeping, saving and investing the assets and funds of Phobians and tendering any share of it as security where it may be required in promoting its aims and objectives.
9. Any other activity may assist in achieving the aims and objectives of Phobians.

### **Article 7: Structure**

1. Control of the Club is structured as follows:-
  - a. The Annual General Meeting (AGM)
  - b. A Special General Meeting (SGM)
  - c. The Management Committee
2. AD hoc committees may be formed to perform a specific task as identified by management and members of management, other Club members or non-Club members could be co-opted for that purpose.
3. The Committee shall be empowered to appoint sub-committees to advise it upon special matters, but the Committee shall in no way be bound by a sub-Committee's decision.
4. A Race Committee, comprising the Race Director, the Chairman, the Secretary and appropriate captain/s, shall organize all races and sport meetings.

### **Article 8: Annual General Meeting (AGM) and Special General Meeting (SGM)**

1. The annual General Meeting constitutes the highest authority of Phobians of the Club and shall be held not later than 31 August in each year.
2. A Special General Meeting (SGM) of the Club may be constituted:-
  - a. As per a management decision, or
  - b. A request in writing, signed by at least seven members of the Club, stating clearly what the objective of the meeting is going to be. The Secretary will then arrange for a SGM within twenty one days after such a request was received.
3. The business to be done at the Annual General Meeting shall include:-
  - a. To confirm the Minutes of the general meeting held in the course of the year.
  - b. To receive and consider the Chairman's report and audited statements of accounts for the previous year.
  - c. To consider any proposal which may arise out of the Chairman's report or any proposal of which due notice has been given.
  - d. To elect Office Bearers in terms of Article 9.

### **Article 9: Notice of Annual General Meeting:**

1. The AGM will be constituted in writing by management, indicating the date, time and venue of the meeting. Such a notice will be sent to members at the latest four weeks before the date of the meeting. The notice will also request nominations for the management positions to be selected and all motions to be submitted.
2. All nominations and motions should reach the secretary at least two weeks before the meeting.
3. The final notice of the AGM including the agenda, the minutes of the previous meeting and any motions received will be sent to members latest seven days before the meeting.

### **Article 10: Voting at meetings by members (Article 5)**

1. Each member older than 13 years of age has one vote.
2. Juvenile Members shall not be entitled to vote at General Meetings, but they may be present and speak at such Meetings.
3. Each honorary member has one vote.
4. The Chairman shall be entitled to a deliberative as well as a casting vote at all meetings.

### **Article 11: Quorum at meetings**

1. At the AGM and SGM at least Twenty (20) members present in person will form a quorum.
2. At the management meetings at least 4 members attending will form a quorum.
3. At any committee at least 3 members will form a quorum.
4. If a quorum is not present within half an hour (30 minutes) of the time appointed for any general meeting, such meeting shall be dissolved and stand adjourned to the same day in the next week at the same place and time, or if that day be a public holiday, and if at such adjourned meeting a quorum is not present, the ordinary members present shall be a quorum.

### **Article 12: Procedures at meetings**

1. At the AGM, the Chairman, and if he is not available, the Vice-Chairman of the Club, will chair the meeting. If both are absent the meeting will select a chairman from the members present.
2. The agenda of the meeting will follow the sequence below:-
  - a. Establish if there is a quorum and constitute the meeting
  - b. Circulation of the attendance registers.
  - c. Read and confirm the notice of the meeting.
  - d. Establish that the minutes have been read and that the minutes of both the previous AGM meeting and any SGM meetings held, have been approved.
  - e. The submitting, discussion and approval of the Chairman's annual report.
  - f. The submitting and approval of the audited financial statements.
  - g. The discussion and approval of motions that was submitted according to the prescriptions of the constitutions.
  - h. The awarding of colours.
  - i. The Election of the Office Bearers in terms of Article 9 of the new management of the Club.
3. The agenda of the SGM will follow the sequence below:-
  - a. Read and confirming the notice of the meeting.
  - b. The discussing of the matters that were submitted according to the prescribed procedure.
4. No proposal or amendment on the agenda of the AGM or SGM may be withdrawn without the permission of the meeting. If the original instigator of the proposal is not present, any member at the meeting will have the right to take his position and will for that purpose have the same rights as the original instigator to promote and motivate the proposal.
5. Only those items appearing on the Agenda contained in the Notice of Meeting shall be discussed at that Meeting.
6. Minutes will be kept of all meetings.

### **Article 13: Voting procedures at meetings**

1. All decisions to be voted for will be by the raising of hands except if requested by two or more members, or if the chairman takes such a decision, the voting will be by ballot papers. In the case of a tie in votes, the chairman will have the decisive vote.
2. The election of management will be by ballot papers and according to the following conditions:-
  - a. Nominations must be in writing, properly seconded and be accepted by the nominee in writing.
  - b. The position for which the candidate is nominated must be indicated.
  - c. If there is no nomination for any specific position, the person holding the position at present will automatically re-elected. This excludes the position of Chairman.

### **Article 14: Management**

1. The management of the Club shall be vested in a committee comprising a minimum of 10 (Ten) members and including the Office Bearers and Administrative Members elected in terms of Article 9.2 and of Article 9.3 at the AGM by the members of the Club with voting powers.
2. The management will consist of:-
  - a. The Chairman.
  - b. The Vice Chairman.
  - c. The Secretary.
  - d. The Treasurer.
  - e. Six additional members.
  - f. Members co-opted by management to take responsibility for specific tasks i.e. social, website, Time-Trial keeper and any other additions necessary for the smooth running of the Club. Such members will be co-opted to committee to fulfil their specifically required function.
3. Any positions that become vacant during the year will be filled by co-option by management.

### **Article 15: Meetings of management**

1. Management will meet at least once a month unless an alternative decision is taken.
2. The secretary will see to it that proper notice of the meeting is given to all involved.
3. Four members will be a quorum.
4. Voting will be by the raise of hands except if two members request voting by ballot paper.
5. In the case of a tie of votes, the chairman will have the decisive vote.
6. Minutes will be kept of all meetings.

### **Article 16: Powers and duties of management**

1. Apart from any powers and duties granted to management in this constitution, the duties of the Office Bearers elected under Article 9.2 shall be the following:-
  - a. The Chairperson shall act as chairman at all general Meetings and shall act as the Club's representative where required.
  - b. The Vice Chairperson shall be available to deputize for the Chairperson.
  - c. The Secretary shall keep records of all meetings and races, conduct correspondence and carry out all secretarial duties in general.

- d. The Treasurer shall keep the books of the accounts of the Club and shall prepare and submit each year to the AGM a statement of accounts and a balance sheet, which must be duly audited.
- e. Public Relations Officer shall promote and publicize all aspects of the Club.
- f. Captain Running – Men, shall generally encourage and assist athletes and maintain keenness and assist in arranging of social functions.
- g. Captain Running – Ladies, shall generally encourage and assist athletes and maintain keenness and assist in arranging of social functions.
- h. Captain - Walking, shall generally encourage and assist athletes and maintain keenness and assist in arranging of social functions.
- i. The Race Director is responsible for the overall organisation of all races hosted by the Club.
- j. The PBHS Representative shall promote and publicize all aspects of the Club at PBHS and encourage and assist PBHS staff and boys to join the Club, act as the liaison between the Club and PBHS.

## 2. Additional powers

The following additional powers, responsibilities and decisions will be performed by management:-

- a. To fill any vacancy by co-option.
- b. Arrange for the AGM.
- c. Submit to AGM the audited financial and annual reports.
- d. Take legal action on behalf or in defence of the Club.
- e. Arrange a Club championship or any other meetings on behalf of the Club.
- f. Keep a register of performances of members of the Club.
- g. Co-opt additional members for specific tasks.
- h. To arrange for disciplinary hearings and summons any person (Club or non-Club member) to give evidence in such hearings.
- i. To prepare an annual plan reflecting the year program and an income and expense budget.
- j. Collect the budget of the standing committees for approval and inclusion into the budget of the Club.

## **Article 17: Authority of management**

1. Apart from the powers and duties indicated in Article 16 management has the authority to:-
  - a. To compile a disciplinary committee as per Article 18 to investigate any complaint brought before them.
  - b. To arrange for disciplinary hearings and summons any person (Club or non-Club member) to give evidence in such hearings.
  - c. To manage the financial aspects of the Club.
  - d. To decide on and make payments of any honorariums as and when required. Such payment should be reported at the AGM.
  - e. Give support to Club members where and when necessary. Particulars of any financial support given will form part of the annual financial report at the AGM.

### **Article 18: Forfeit of position.**

1. If a member of management did not attend three successive management meetings, he/she will forfeit their position. This will occur automatically and management will take action to fill the position as soon as possible by means of co-option. The member that lost its position can however appeal to management to reconsider its position by motivating its actions. This however should be done within two weeks after last of the three meeting that he/she did not attend.

### **Article 19: Disciplinary action against members**

1. Complaints received by management of any misbehaviour of any member or action(s) that could bring the sport (athletics) in disrepute, should be investigated and if found valid grounds, brought before the disciplinary committee for a disciplinary hearing. The member involved will be informed within 14 days of such action to be taken place, what the complaints are and where and when his/her presence should be required for a disciplinary hearing. The disciplinary committee will consist out of the chairman, the vice chairman, secretary and a nominated member, known for his knowledge in this respect. The nominated member will be identified by management. The finding of the hearing will be conveyed to the member within 14 days and AGN will be informed of the finding.
2. The Committee shall, in addition to the ordinary running of the Club:-
  - a. Hear and decide upon appeals from Members.
  - b. Suspend, as a Member of Phobians, for a time or permanently, any Member who does not adhere to the Constitution and Rules, subject to subsequent confirmation by a General Meeting.
3. Should any Member act in a manner deemed by the Committee to be prejudicial to the interests and reputation of the Club, the Committee shall have the power to suspend the membership of such Member, or take such steps as it may see fit, always provided that any decision on the Member's continued membership of the Club shall rest with the Main Club Committee of the Pretoria High School Old Boys Club, the parent and governing body of the Club. Any Member who may be disciplined by the Committee, shall have the right to appeal to a Special General Meeting of Members, which shall be convened by the Secretary upon receipt of a written request by the Member concerned. The decision of the Committee shall be binding until rescinded or modified by a General Meeting of Members or by the Main Club Committee of the Pretoria High School Old Boys Club.

### **Article 20: Urgent matters committee**

1. Urgent matters to be handled by the management committee would be those that cannot wait until the next management meeting without having a negative effect on the running of the Club. Decisions taken by the management committee should be submitted for approval at the next management meeting.
2. Three members of the management committee will form a quorum.
3. The chairman has an ordinary and decisive vote.
4. The management committee meets when the chairman or secretary identifies a need for such a meeting.



### **Article 21: Membership fees and registration of athletes**

1. Membership fees will on an annual basis be fixed by management. Differentiated fees depending on specific circumstances will be considered by management.
2. All athletes above 13 years of age should be licensed. The cost of licensing will form part of their annual Club membership fees.

### **Article 22: Rules for athletic meetings**

1. All meetings presented by the Club will be under the rules of AGN, ASA and IAAF.

### **Article 23: Selection committee**

1. The selection committee will consist of the Chairman, Coaches representative and the committee member involved (Road, Track & Field, Cross Country, etc.)
2. The selection committee will select its own secretary.
3. The tasks of the selection committee:-
  - a. The selection of athletes, a team or teams to represent the Club.
  - b. Selection will take place at meetings specially arranged for that purpose by the convener. Two members will form a quorum.
  - c. The selection committee will also take responsibility to identify the trophy winners of the Club.

### **Article 24: The colours and Logo of the Club**

1. The colours of the Club shall be the colours of the Pretoria High School Old Boys Club. Athletes shall compete in:-
  - a. White vest with horizontal green and red stripes and the word Phobians, which shall appear in 2-inch red letters on the front of the vest, and red shorts.
  - b. The badge of the Club shall be the badge of the Pretoria High School Old Boys Club and/or the "Running Stickman" logo legally registered in the name of Phobians.
  - c. Logo – the registered Logo (1997/11700) and Mark (1997/11701) of the Pretoria High School Old Boys Athletic Club (Phobians).



### **Article 25: Financial controls**

1. The Pretoria High School Old Boys Club shall have possession of all fixed assets.
2. Financial control will fall under the management of the Club. The management should see to it that:-
  - a. A proper set of financial records are kept and that all transactions are properly recorded.
  - b. All documents are kept in a safe place.
  - c. The Pretoria High School Old Boys Club or a registered bank in South Africa, at the discretion of the Committee, shall be the bankers of the Club.

- d. Accounts shall be approved for payment by any 2 (two) of the following office bearers: Chairperson, Vice Chairperson, and Treasurer. At least two signatories must sign each cheque. Such Accounts shall be paid out of accumulated funds deposited with the Pretoria High School Old Boys Club or a registered bank in South Africa.
- e. Surplus funds are to be invested in an interest bearing account to the best benefit of the Club at a financial institution of standing. Withdrawals from these accounts will also require two signatories.
- f. The audited annual financial statements must be submitted to the AGM.
- g. The Financial year end will be 31 December of each year.
- h. The Club stay within its budget, both at the income and expense sides.
- i. The Committee shall have the right to levy members.
- j. Any Member wishing to resign from the Club shall notify his/her intention, in writing, to the Secretary, pay all monies due to the Club and return all property of the Club in his/her possession.

### **Article 26: Dissolution of Phobians.**

1. The dissolution of Phobians can only be effected at an Annual General Meeting or special General Meeting called for that purpose. Dissolution will only become final after it has been approved by an anonymous two-thirds majority of the Phobians members present at the Annual General Meeting or Special General Meeting.
2. Upon dissolution all the assets of the Club will be transferred to The Pretoria High School Old Boys Club.

### **Article 27: Changing the Constitution of the Club**

1. Proposed changes and amendments to the Constitution and Rules may be submitted either by the Committee or in writing by any two Members. Such members' proposed amendments shall be handed to the Secretary 14 days before the General Meeting at which the proposals are to be dealt with. Any amendments to the Constitution and Rules shall be made only at a Special General Meeting or at the Annual General Meeting.
2. The notice must clearly indicate which article of the constitution will be changed and what will be included (new) and what will be excluded (old).
3. All amendments to the Constitution and Rules shall be approved by a two-thirds majority of Members present at a General Meeting after proper notice has been given.
4. Such Amendments must also be approved by the Pretoria High School Old Boys Club.
5. The Committee shall be empowered to deal with any matters not specifically dealt with in the Constitution and Rules subject to confirmation by a General Meeting.

### **Article 28: The Promotion of Access to Information Act 2 of 2000 (PAIA)**

Section 32(1) of the Constitution of the Republic of South Africa Act 108 of 1996 (the Constitution), provides that everyone has the right of access to records or/and information held by the state and any information held by another person and that is required for the exercise or protection of any rights. This section affirms the fundamental right of access to information and seeks to promote a culture of transparency and accountability in the private and public sector.

Section 32(2) of the Constitution provides for the enactment of a national legislation to give effect to this fundamental right. The **Promotion of Access to Information Act 2 of 2000 (PAIA)** is the national legislation contemplated in section 32(2) of the Constitution.

**Article 29: Approval of the Constitution of the Club**

**PRETORIA HIGH SCHOOL OLD BOYS ATHLETIC CLUB (PHOBIANS)**

**Approved at the Phobians Special General Meeting** held at the PHSOB Club on the 30<sup>th</sup> day of January 2014.

SIGNED: \_\_\_\_\_

SECRETARY \_\_\_\_\_

SIGNED: \_\_\_\_\_

CHAIRMAN \_\_\_\_\_

**PRETORIA HIGH SCHOOL OLD BOYS CLUB (PHSOB)**

**Approved at the PHSOB Annual General Meeting** held at the PHSOB Club on the \_\_\_\_\_ day of \_\_\_\_\_ 20 ...

SIGNED: \_\_\_\_\_

SECRETARY \_\_\_\_\_

SIGNED: \_\_\_\_\_

CHAIRMAN \_\_\_\_\_