



Basketball South Africa

Constitution

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Definitions:

“Basketball SA”		means Basketball South Africa, the organisation, the membership of which is defined in clause 8 of this Constitution.
“Basketball SA Holdings Pty (Ltd)”	:	means the body corporate operating the Commercial aspects of Basketball SA.
“Associate Members”	:	means national organization having basketball in their programme, and wishing to associate with Basketball SA.
“General Assembly”	:	means the Council of Basketball SA in accordance with Clause 9.2 of this Constitution.
“Constitution”	:	means this Constitution of Basketball SA.
“BOARD”:		means the National Executive Committee of Basketball SA.
“Honorary Member”	:	means a retired member of the BOARD of Basketball SA
“League Associates”	:	League Associations shall consist of the Professional League, South Africa Schools Basketball League, USSA League, S.A Masters League, any Leagues under auspices of DISSA Basketball, SANDF Basketball League and similar league associations as may be established under the aegis of Basketball SA from time to time.
“MANCO”	:	means the Management Committee of Basketball SA
“Member of the General Assembly”	:	means a member of BOARD; Provincial Association representative; or representative of a Member Association.
“National Tournament Director ”	:	means that person appointed by BOARD, to assist in attaining the objectives of Basketball SA.
“National General Secretary”	:	means that person appointed by BOARD, to assist in attaining the objectives of Basketball SA.
“Notice”	:	unless the context indicates otherwise, shall mean a written communication delivered to a recipient by hand, ordinary post, registered post

or telefaxed transmission, at their registered address appearing in the records of Basketball SA.

“Basketball Professional League Management”	:	means the body corporate operating the Professional Leagues.
“Provincial Associations”	:	means the Basketball Association recognized from time to time by Basketball SA as the bodies controlling Basketball in the respective Provinces of the Republic of South Africa.
“Quorum”	:	means the minimum number required to be assembled to establish legal competence for the transaction of business
“PEC”	:	Provincial Executive Committee
“SASCOC”	:	South African Sports Confederation and Olympic Committee
“MEMBER”	:	A Structure recognized by this Constitution
“RSA”	:	Republic of South Africa
“Administrator/Official”	:	Full time employee
“LM”	:	Local Municipality
“LDM”	:	Local District Municipality
“Good Standing”	:	Member that has complied with all requirements
“Registered Players”	:	Fully paid up player

In this Constitution, unless inconsistent with the context, the masculine includes the feminine gender, the singular includes the plural, and persons shall include bodies corporate.

1. NAME

1.1 This organization shall be **Basketball South Africa** (herein after referred to as Basketball SA).

2. EMBLEM AND COLOURS

2.1 The emblem of Basketball SA shall be as in annexure one

2.2 The emblem on all playing kits shall be the King Protea and shall be written Basketball SA under the King Protea in line with the National Colors of the Republic of South Africa (RSA).

2.3 The emblem(King Protea) shall always be on the left next to the heart on playing kit.

2.4 Junior National Teams shall use the Junior Protea with the same writing with the inclusion of the age group.

2.5 The national playing colors shall be Bottle Green and Gold

3. JURISDICTION

3.1 The area of jurisdiction of Basketball SA shall be the Republic of South Africa.

3.2 The area of Jurisdiction of each Provincial Federation/Associations shall be as prescribed in the Constitution of RSA.

3.3 The area of Jurisdiction of each district shall be as determined in the RSA Constitution of RSA.

4. HEADQUARTERS

4.1 The headquarters of Basketball SA shall be as determined by the General Assembly.

4.2 The Headquarters shall be in a reasonable area for a period of two terms

5. OBJECTIVES

5.1 To develop a governance structure capable of delivering services necessary to achieve all the objectives set out in this document

5.2 To encourage, develop, organize and promote the sport of basketball throughout the country, bringing order, credibility and consistency

5.3 To ensure that the sport of basketball is valuable to society and promoted ethical principles in the all aspects of the game

5.4 To defend the moral and material interest of basketball in an appropriate manner

5.5 To maintain political and religious neutrality and not to tolerate any form of discrimination, racial or otherwise

5.6 To serve as a link to encourage an exchange of information, experience and activities and to be prepared to respond to all basketball related queries

5.7 To organize itself in such a manner as to acquire legal status, to have an official name and a registered office

- 5.8 To register its logo, flag, common seal and the names of the persons who will be representatives of the Basketball South Africa
- 5.9 To represent the sport of basketball before its members, SACOC, SRSA, National Lottery Board, other National Federations and FIBA
- 5.10 To set up and maintain the lines of communications between its members, clubs, decentralized bodies, community, non governmental and governmental institutions and FIBA
- 5.11 To establish a financial policy and generate adequate financial resources in order to develop basketball within a balanced financial budget.
- 5.12 To set up a unified and comprehensive competition structure for all categories in South Africa
- 5.13 To generate the necessary resources to realize programs for national teams, which represent the country at various internal competitions
- 5.14 To regulate and approve national and international transfer of players in compliance with FIBA regulations
- 5.15 To establish internal transfer and eligibility regulations in the best interest of basketball
- 5.16 To develop and provide sports competitions, camps, seminars, conferences, courses, clinics, examinations, development programs, events, campaigns, and other promotional activities for its members
- 5.17 To ensure that the work of Basketball South Africa is public , regularly update its members about its activities, through direct contacts, regular meetings, press conferences, web pages, bulletins, public statements, written press, radio and TV
- 5.18 To provide a mechanism to resolve all disputes , guaranteeing the right of defence and impartiality (fairness)
- 5.19 To establish all technical regulations related to basketball
- 5.20 To establish a membership (certification/registry/licensing) program and to ensure that each member holds a valid, current membership card/license and decide the type and amount of membership fees for all the members
- 5.21 To ensure that Basketball South Africa activities are exclusive to licensed/registered members only
- 5.22 To promote and develop the standard of coaching , refereeing and basketball administration
- 5.23 To encourage the provision of appropriate facilities for basketball and keep record of them
- 5.24 To control, integrate and foster participation at all levels of Basketball in South Africa.
- 5.25 To participate successfully in international and / or other Basketball competitions.
- 5.26 To promote recognition of Basketball as a leading participative and spectator sport.
- 5.27 To encourage the provision of appropriate facilities for participation in basketball.
- 5.28 To foster and develop a democratic, non-racial and non-sexist structures in all organizations which may seek and obtain affiliation to Basketball SA.
- 5.29 To affiliate to appropriate international, continental and national sports associations or organizations including but not limited to, the INTERNATIONAL BASKETBALL FEDERATION (FIBA); ASSOCIATION OF AFRICA BASKETBALL FEDERATIONS (FIBA AFRICA); ZONE SIX BASKETBALL FEDERATION;S.A SPORTS CONFEDERATION and OLYMPIC COMMITTEE (SASCOC).
- 5.30 To develop and maintain cordial relations with the Department of Sports and Recreation.
- 5.31 To establish and maintain cordial relations with other sporting bodies.
- 5.32 To act in the interest of sport, and basketball in particular.

6. LEGAL STATUS

- 6.1 Basketball SA shall have the legal personality and independent existence and have the capacity to sue or to be sued in its own name.
- 6.2 Every office bearer, official or employee of Basketball SA shall be indemnified by Basketball SA against all costs and expenses which he/she may incur or become liable for by reason of any act or omission in discharge of his duties, unless the loss in question is caused by his/her gross negligence, dishonesty or intentional actions which may bring the Federation into disrepute.
- 6.3 No person or member shall have any rights to claim assets belonging to Basketball SA, nor incur any liabilities for its obligation.
- 6.4 Except for reasonable compensation for service rendered to the organization, Basketball SA may not allow any of its monies or properties be used for personal use by its members or employees.
- 6.5 All legal proceedings shall be brought by or against Basketball SA, and Basketball SA may authorize any member of the Board or employee to act on its behalf and give him/her full authority on that matter and proceedings.

7. INDEMNITY

- 7.1 Office bearers, officials and employees of Basketball SA shall be indemnified by Basketball SA against pecuniary loss sustained by reason of legal proceedings, arising out of whatsoever cause, instituted against Basketball SA or against such office bearers, officials or employee in his/her representative capacity, provided that the indemnity conveyed herein shall not extend to private, personal acts of such office bearers, officials or employees, acts outside the course and scope of their employment(in the case of employees), and or acts outside the official appointment and tenure of office in Basketball SA(in case of office bearers and officials).
- 7.2 Each Provincial Association shall enter into a contract with the Board for any National or international Tournament.

8. COMPOSITION AND MEMBERSHIP

- 8.1 Basketball SA shall be composed of Provincial Federations and Affiliated Members.
- 8.2 Membership may be granted to an Affiliate that offer and Promotes Basketball via a two third majority of Council.
- 8.3 Only RSA Citizens who comply with all requirements of Basketball SA and FIBA shall be allowed to participate on National Teams under the Jurisdiction of FIBA/Commonwealth and any international event.
- 8.4 Honorary membership can be granted to individuals who have made exceptional contributions to Basketball in South Africa.
- 8.5 Only Officials as nominated by Provinces and Affiliates are eligible to stand for and be elected to portfolios of Basketball SA.

9. STRUCTURES

9.1 BOARD MEMBERS

9.1.1 The Board shall comprise of the following:

9.1.1.1 President

9.1.1.2 1st Vice President

9.1.1.3 2nd Vice President

9.1.1.4 Treasurer General

9.1.1.5 5 Additional Board Members

9.1.1.6 General Manager/Secretary General – (appointed by the Board and with no voting rights)

9.1.1.7 USSA Basketball Representative (Seconded by USSA)

9.1.1.8 PBL Representative (seconded by PBL)

9.1.1.9 South Africa Schools Basketball Representative (Seconded by Schools Sports)

9.1.1.10 DISSA(WBSA and Intellectually impaired Basketball)

9.2 DUTIES AND RESPONSIBILITIES OF BOARD MEMBERS

9.2.1 The President

9.2.1.1 The President shall communicate policy approved by the General Assemble on behalf of Basketball SA.

9.2.1.2 Preside over all meetings of the federation.

9.2.1.3 Take care of the general affairs of the federation.

9.2.1.4 Ensure that all decisions of the federation are properly carried out.

9.2.1.5 Act as a signatory to the legal and financial documents of the federation.

9.2.1.6 Be the representative of Basketball SA at other meetings where we are invited as Basketball SA

9.2.1.7 In the absence of the President, the Deputy President shall resume the duties and responsibilities of the President.

9.2.2 The General Manager/ Secretary General

9.2.2.1 The General Manger/Secretary General shall be appointed by the Board on a Three Year Contract.

9.2.2.2 The General Manager/Secretary General's contract shall be a performance based

9.2.2.3 The General Manager/Secretary General shall be responsible for all administrative work of Basketball SA and shall be the head of administration/National Secretariat.

9.2.2.4 The General Manager/Secretary General shall prepare and submit documents/proposals for the BOARD, AGM, Council and MANCO meetings

9.2.2.5 The General Manager/Secretary General shall ensure co-ordination of Basketball SA events

9.2.2.6 The General Manager/Secretary General shall maintain contact with BOARD/Provincial Secretaries.

9.2.2.7 The General Manager/Secretary General is responsible to the BOARD for his/her efficiency of administration.

9.2.3 Treasure General

- 9.2.3.1 He/She shall monitor and control the implementation the financial policy and procedures of Basketball SA.
- 9.2.3.2 He/she shall have the power of the first signature on all financial transactions of Basketball SA
- 9.2.3.3 To supervise the current account of income and expenditure of Basketball SA
- 9.2.3.4 He/she will use the Basketball SA Procurement policy on all purchases
- 9.2.3.5 To draw up the four year budget together with the General Secretary
- 9.2.3.6 He/she shall be responsible for the assets and funds of Basketball SA within the framework of the Constitution and By-laws of Basketball SA.
- 9.2.3.7 Together with the SG, he/she will prepare and get an Audited financial report for AGM, Council and BOARD meetings

9.2.4 Additional Board Members

- 9.2.4.1 The duties of the additional members shall be allocated during the first BOARD meeting in line with the objectives and subcommittees of Basketball SA. Detailed duties of the subcommittees shall be included in the rules and regulations

9.3 MANAGEMENT COMMITTEE

- 9.3.1 Management Committee (MANCO) of Basketball SA shall comprise of the President, 1st Vice President, 2nd Vice President, GM/SG(EX Officio), Treasurer and one member of the Board.
- 9.3.2 The General Manager/Secretary General shall be an ex-officio member of Management Committee.
- 9.3.3 A quorum of MANCO shall be at least three members of those entitled to be present.
- 9.3.4 MANCO shall be responsible for managing the daily affairs of Basketball SA and in cases of emergency shall constitute an emergency committee to consider and decide upon any matter occasioned by such emergency.
- 9.3.5 MANCO shall meet as and when necessary, but at least once in each calendar month.
- 9.3.6 MANCO shall install an appropriate infrastructure for the due and efficient functioning of Basketball SA, and for the furtherance of the objects of Basketball SA.
- 9.3.7 The Board shall decide annually on the limit of financial authority of MANCO.
- 9.3.8 MANCO shall only act on the mandate of the Board
- 9.3.9 All MANCO decisions in between the Board Meetings must be circulated for ratification by the Board within 48hours of the MANCO Decision(Electronically)

9.4 ELECTIONS OF THE BOARD

- 9.4.1 The Board shall be elected at the Quadrennial General Assembly.
- 9.4.2 40 calendar days before the date of the QGM, the GM shall circulate notice of the meeting, nomination forms for the Board, acceptance of nomination forms to all members.
- 9.4.3 An independent auditing firm shall be appointed to administrate and oversee the process of elections of the Board.
- 9.4.4 Members shall lodge their nominations via registered mail with the auditing firm.
- 9.4.5 10 calendar days before the QGM, the audit firm shall circulate to all members a consolidated list of nominations received.
- 9.4.6 There shall be four rounds of voting. The first round for the position of President, the second round for the position of Deputy President, the third round for the position of Treasurer and the last round for the 5 additional Board members.

- 9.4.7 The Candidate who polls the highest number of votes for the positions of President, Deputy President and Treasurer shall be declared the winner.
- 9.4.8 The first five candidates to poll the highest number of votes for the position of serving in the Board shall be declared Board members.
- 9.4.9 Voting for the Board shall be by secret ballot.
- 9.4.10 Basketball South Africa shall strive to achieve a fair and equitable representation of women in all their structures.

9.5 POWERS AND DUTIES OF THE BOARD

- 9.5.1 The Board shall have the authority to do anything or take any necessary in the furtherance of its objectives and powers, in accordance with this Constitution, the By-Laws and the policies of Basketball SA from time to time.
- 9.5.2 Supervise and give directions in Basketball affairs, in its best interest, between sessions of the General Assembly.
- 9.5.3 To implement and manage policies, decisions and conclusions of the General Assembly.
- 9.5.4 To appoint employees(permanently or on contract), agents and officials as it deems fit and to invest them with such powers as it deems expedient and to determine their duties, fix and vary their salaries and emoluments (if any) and to suspend and discharge any such person;
- 9.5.5 To attend to all legal matters on behalf of Basketball SA;
- 9.5.6 To make, vary and repeal By-Laws for the due and proper regulation of the affairs of Basketball SA, and the due and proper functioning of its employees, agents and officials; said amendments to be ratified by the General Assembly.
- 9.5.7 To endorse goods and services directly connected with basketball so as to enable the promotion and development of basketball;
- 9.5.8 To host, when applicable, international and continental events in conjunction with the appropriate structures and organizations concerned
- 9.5.9 To acquire, hold, posses, control and dispose of real property and real rights as may be necessary;
- 9.5.10 To invest funds not immediately required in the name of Basketball SA, with negotiated major financial institutions as defined in Section 1 of the Financial Institution (Investment of Funds) Act, 1984
- 9.5.11 To accept donations and legacies and raise funds on behalf of Basketball SA subject to the express limitation that should the services of a fund raiser be made use of for the collection of contributions, the expenses (remuneration and / or commission included) may not exceed 10% (ten percent) of the total proceed of the collection;
- 9.5.12 To appoint such number of standing committees with such powers, from time to time, as may be necessary;
- 9.5.13 To attend to all matters of discipline and appoint such committees as may be necessary for this purpose and shall have the power to suspend, caution and / or impose a fine upon any member.
- 9.5.14 To decide the competition calendar.
- 9.5.15 To appoint a technical team (consisting of provincial representatives respectively and a Board Member) that will be responsible for the appointment (selection) of selectors, coaches and managers of national teams and team selections.
- 9.5.16 To approve/reject the selection of national teams, subject to conditions contained within the By-Laws of Basketball SA;
- 9.5.17 To generally execute any legal act on behalf of Basketball SA, thus doing all that is necessary for the fulfillment of the object of Basketball SA, provided that such act is not contrary to this Constitution.
- 9.5.18 To manage the international policy of the Basketball SA
- 9.5.19 To accept or reject applications for membership
- 9.5.20 To appoint selectors , coaches and managers of the national teams and selections
- 9.5.21 To nominate representatives of the national federation in various governmental , non governmental and sports bodies

- 9.5.22 To decide on the national calendar
- 9.5.23 To determine the financial policy and approve the budget prepared by Treasurer
- 9.5.24 To control the overall financial management of the federation and to report the General Assembly
- 9.5.25 To present activity reports
- 9.5.26 To decide appeals in the first instance
- 9.5.27 To adopt and modify the bye-laws, rules and regulations and other necessary provisions
- 9.5.28 To delegate some powers to specialized committees or associations
- 9.5.29 To approve the regulations of specialized committee or associations
- 9.5.30 To carry out all activities which are not within the jurisdictions of the General Assembly

9.6 MEETINGS of THE BOARD

- 9.6.1 The Board shall meet at least 4 times annually,
- 9.6.2 The Meetings shall be quarterly
- 9.6.3 Emergency meetings of the Board will be convened when needed,
- 9.6.4 The Board will also meet electronically (Conference Calls/Emails) when necessary

9.7 TERMINATION OF OFFICE

- 9.7.1 A vacancy shall exist in the board upon the following conditions:
 - 9.7.1.1 The death of a serving board member.
 - 9.7.1.2 If a board member is absent from three consecutive meetings of the board without any prior arrangements.
 - 9.7.1.3 If a member is found guilty of conducting himself in a manner that could bring the federation into disrepute or harm the image of the sport and or federation.
 - 9.7.1.4 If a member is not allowed to hold office as a director of a company in terms of the South African laws governing such.
 - 9.7.1.5 If a member is sequestered
 - 9.7.1.6 If a member becomes of unsound mind
 - 9.7.1.7 If a member resigns his/her position by notifying the federation in writing

9.8 GENERAL ASSEMBLY

- 9.8.1 The General Assembly shall comprise of the following:
 - 9.8.1.1 All members of the Board
 - 9.8.1.2 Two Representatives from Provincial Association.
 - 9.8.1.3 Two Representatives of USSA
 - 9.8.1.4 Two Representatives of School Sports
 - 9.8.1.5 Two Representatives of Premier Basketball League
 - 9.8.1.6 Two Representatives of Wheelchair Basketball
 - 9.8.1.7 Two Representatives of Masters Association
 - 9.8.1.8 A representative of the Athlete's commission
 - 9.8.1.9 A representative of the Coaches commission
 - 9.8.1.10 A representative of the Technical Commission

9.9 RIGHTS AND POWERS OF THE GENERAL ASSEMBLY

- 9.9.1 Shall be the highest decision making institution of Basketball in the country.
- 9.9.2 To adopt, modify and change the constitution and the Rules and Regulations of the federation.
- 9.9.3 To elect the Executive Committee and Board and fill any vacancies arising in the Board for the remaining period before the QGM.
- 9.9.4 To examine, review and approve all reports including but not limited to the activity report, the annual report and the financial report.
- 9.9.5 To approved annual financial statements and to vote on the budget of the federation.
- 9.9.6 To adjudicate upon the interpretation of the Constitution and its by-laws.
- 9.9.7 To adopt the rules and regulations of federation
- 9.9.8 To designate the auditors
- 9.9.9 To take a vote of no confidence on the Executive Committee and Board
- 9.9.10 To grant titles of Patron, honorary and Life members
- 9.9.11 Deal with matter referred to it by the Board
- 9.9.12 Delegate or assign any of its powers to the Board
- 9.9.13 To dissolve the national federation

9.10 Business Of General Meeting

- 9.10.1 One of the General Assemblies shall be designated as the Annual General Meeting and shall be convened within a 3 months after the end of the financial year to approve audited financial statements and transacting such business as required of the General Assembly.
- 9.10.2 Notice, as well as agenda of such meeting shall be given at least 40 days prior to the meeting.
- 9.10.3 Motions for the AGM must be forwarded to the General Manager/Secretary General in writing not less than 20 days prior to the AGM. The General Manager/Secretary General will forward all the motions and the Audited Financial Statement to members not later than 14 days prior to AGM.
- 9.10.4 The business of AGM shall be as following:
 - 9.10.4.1 Opening and Welcome
 - 9.10.4.2 Credentials and apologies
 - 9.10.4.3 Minutes of previous AGM
 - 9.10.4.4 Matters arising
 - 9.10.4.5 President's address
 - 9.10.4.6 Basketball SA's organizational Report
 - 9.10.4.7 Financial Report
 - 9.10.4.8 Report of the Audit Committee
 - 9.10.4.9 Appointment of Auditors
 - 9.10.4.10 Amendments to the constitution and Rules and Regulations
 - 9.10.4.11 Elections of the Board (at the QGM).
 - 9.10.4.12 Closure

9.11 SPECIAL GENERAL Meeting

- 9.11.1 A SGM of Basketball SA shall be called for a specific purpose upon written request of 50% + 1 of members.
- 9.11.2 The Board may call an SGM as and when it deems it necessary as agreed to by a meeting of the Board.
- 9.11.3 The Chairperson shall convene SGM within 40 days of receipt of such a request.
- 9.11.4 The notice of an SGM shall contain the nature and grounds of the reason for the meeting.
- 9.11.5 A copy of the notice shall be forwarded to each member by the Secretary General at least 30 days prior the meeting.
- 9.11.6 The business at SGM shall be the sole reason it was called for.

10. POWERS OF THE FEDERATION

- 10.1 Basketball SA shall have the power to do all such things as are incidental or conducive to the attainment of the objects described in the preceding clause, and in particular shall be empowered to:
 - 10.1.1 To be the sole competent national authority of basketball in the Republic of South Africa.
 - 10.1.2 To establish and maintain a uniform approach throughout the Republic of South Africa to the rules and administration of Basketball.
 - 10.1.3 To control, administer and promote Local Municipality, Local District Municipality, provincial and national basketball competitions and championships of South Africa, and to delegate to any of its affiliates and other bodies or organizations thereof.
 - 10.1.4 To hear and adjudicate upon appeals from decisions and/or actions of Provincial Federations and affiliates; the right of appeal not necessarily being confined to affiliates or members thereof provided that such appeals have been notified by the appellant to the Province/affiliate concerned in line with the Affiliate/Province rules and regulations. The Appeals committee shall have the power to veto any decision that has been referred to it.
 - 10.1.5 To suspend, disqualify, fine or otherwise deal with any affiliate, member or officer thereof which or whom has committed any breach of this Constitution or of the By-Laws or Rules made there under, or practiced, counseled or sanctioned any conduct which is in the opinion of Basketball SA unruly, unbecoming or contrary to the interests of basketball.
 - 10.1.6 To maintain absolute political and religious neutrality and to not admit any racial or other form of legally prohibited discrimination.
 - 10.1.7 To provide for the representation of South Africa at international meetings.
 - 10.1.8 To provide for the representation of South Africa at the Olympic Games; World Champions; Africa Champions, and any other Championships, and or Competition that it may decide.
 - 10.1.9 To impose and receive fees, dues and levies.
 - 10.1.10 To purchase, take on lease, or in exchange, hire or otherwise acquire real or personal property and hold, occupy, use, employ, sell, lease, license, hire-out, manage, grant, convey, and surrender real or personal property.
 - 10.1.11 To develop or turn into account any land acquired by or in which Basketball SA is interested, and to construct, reconstruct, alter, pull-down, decorate, maintain, furnish, fit-up and improve building works convenience of all kind which Basketball SA may think directly or indirectly conducive to the development of any property in which it is interested or any of the objects of Basketball SA.
 - 10.1.12 To promote, endorse, supply or deal in goods including to purchase lease, sell or hire (with or without an option to purchase) or otherwise dispose of any goods.
 - 10.1.13 To apply for, obtain and to acquire by purchase, license, hire, lease or otherwise any patent, licenses, rights, privileges, inventions, improved or secret processes, trademarks or names, copyrights, applications for patents, trademarks or names which may seem to Basketball SA capable of being dealt with or used for any of the objectives of Basketball SA or the acquisition of which may seem to Basketball SA calculated to benefit Basketball SA and to use, exercise, develop or grant licenses in respect of or otherwise turn to account the property rights or information so required.
 - 10.1.14 To use, sell exercise, develop, assign, grant licenses in respect of, deal with, dispose of or otherwise turn to account any of the matters things mentioned in the last preceding paragraph and accept royalties and fees in relation thereto.
 - 10.1.15 To accept any sponsorship or gift whether subject to a special trust or not.
 - 10.1.16 To execute and deposit Powers to Attorney.
 - 10.1.17 To make gifts, subscriptions and donations to any authorities, institutions or associations.
 - 10.1.18 To make provision for the operation of the Professional League or any other League Association in accordance with this Constitution and the by-laws of Basketball SA.
 - 10.1.19 To appoint full-time employees to assist in attaining and promoting the objectives of Basketball SA.

- 10.1.20 To approve or reject National Teams by Affiliates if they do not meet basic team requirements.
- 10.1.21 Authorize tours by Affiliates/Provinces/Clubs/teams to other Countries.

11. MEMBERSHIP

- 11.1 Membership of Basketball SA shall consist of:
 - 11.1.1 9 Provincial Associations
 - 11.1.2 South African Schools Basketball
 - 11.1.3 University Sports South Africa Basketball
 - 11.1.4 Premier Basketball League
 - 11.1.5 Disabled Sport SA Basketball
 - 11.1.6 SA Masters
 - 11.1.7 South African National Defence Force (SANDF)
 - 11.1.8 Any other dully approved Affiliate that has submitted an application to the Federation, which has been dully approved and accepted
- 11.2 The acceptance of membership of Basketball SA by a member shall bind such member to the Constitution and by-laws of Basketball SA and to accept and enforce all decisions of Basketball SA made in conformity therewith.
- 11.3 Each member must produce its affiliated members and must submit its annual database to Basketball SA for consolidation of National Database.

12. PROVINCIAL ASSOCIATIONS

- 12.1 Provincial Associations shall be constituted in terms of Rules and by-laws of Basketball SA. One Association only shall be admitted to Basketball SA from each Province of the Republic of South Africa.
- 12.2 Each Provincial Association shall retain powers of the administration and control of basketball within its Province, subject to the provisions of this Constitution and the by-laws of Basketball SA.
- 12.3 Its is the duty of a Provincial Association to:
 - 12.3.1 Ensure it fulfills its role as custodian of Basketball in the Province; no other parties should be allowed to promote, develop or conduct any basketball activities in the Province without prior authorization from the PEC.
 - 12.3.2 Promote and develop the sport of basketball in line with Basketball SA objectives.
 - 12.3.3 Effectively carry-out the enforcement of the Constitution and By-Laws of Basketball SA in their province.
 - 12.3.4 Effectively implement the development policies of Basketball SA.
 - 12.3.5 Register and keep Provincial database of Players, Coaches, referees, administrators and all relevant people of Basketball on an individual basis in the Province.
 - 12.3.6 To accept as affiliated members, and to provide representation within its own structures for all District Associations desiring affiliation, competent to conduct basketball competition under the Playing Rules of Basketball SA and willing to accept the obligations of memberships as provided in the Constitution of Basketball SA and By-Laws of the Provincial Association as approved by Basketball SA General Assembly.
 - 12.3.7 To be responsible and accountable to BSA for fulfilling its obligations pursuant to Basketball SA's strategic plan as revised from time to time.
 - 12.3.8 To manage and invest funds donated, granted or paid to the Provincial Association by Basketball SA/Provincial Government or as a result of Basketball SA's directions and/or policies made from time to time by the Board or Provincial Executive Committee (PEC).
- 12.4 The Board shall have authority to grant interim affiliation to Provincial Association, such affiliation being subject to ratification by a forthcoming General Assembly.

13. Duties and Powers of Provincial Executive Committee's

- 13.1 The Provincial Boundaries shall be as stipulated in the Constitution of the Republic of South Africa.
- 13.2 Each PEC shall have certain rights and powers, with commensurate duties and obligations as defined herein.
- 13.3 Each Provincial guidelines must be approved by Council.
- 13.4 The rights, powers and duties of PEC are:
 - 13.4.1 The authority to open and operate a banking account with registered financial service provider.
 - 13.4.2 The authority to raise funds by means of sponsorships, donations or any other means as approved by Council.
 - 13.4.3 To promote the objectives and business of Basketball SA.
 - 13.4.4 To run viable programmes for their provinces with the view of promoting the Basketball and selection of Provincial Teams.
 - 13.4.5 To award provincial colours to deserving Basketballers as approved by their Council.
 - 13.4.6 To submit to BOARD their progress reports on six months basis.
 - 13.4.7 To organize their council and have them seat at least two months before the Basketball SA Council and submit a full report to BOARD within 21days.
 - 13.4.8 To facilitate developmental programmes together with the BOARD member concerned.
 - 13.4.9 The rules and Regulations of each Provincial Association shall be subject to the approval of the Council.
 - 13.4.10 Give guidance to their respective Districts.

14. QOURUMS

- 14.1 For all meetings under Basketball SA, the quorum shall be 50% + 1 of the vote to be present.

15. VOTING

- 15.1 Only members in good standing with Basketball SA may participate in the voting process.
- 15.2 Each Province shall have one (two) vote (s). (A province with more than 500 registered players with BSA shall get an additional vote and from then onward get an additional vote for 1000 and more, an additional vote for the next 2000 and above).
- 15.3 Each Board member shall have one vote at all Board meetings, and the General Assembly.
- 15.4 At all meetings, the chairperson of the meeting shall have the casting vote.
- 15.5 All Elections of Board shall be conducted by an independent audit firm.
- 15.6 Voting at all Basketball SA meetings shall be by secret ballot or by show of hands as determined by the meeting
- 15.7 The Chairperson shall propose for the approval of the meeting, an electoral officer and at least three scrutineers for all voting
- 15.8 The election of the BOARD shall be by secret ballot.

16. RULES AND REGULATIONS

- 16.1 In addition to the provisions of this constitution, the Board shall issue such rules and regulations as may be approved by the General Assembly for the smooth running of the affairs of Basketball SA.
- 16.2 Such rules and Regulations shall be approved by Council for Ratification by AGM.
- 16.3 Any amendment of the rules and regulations shall be entered in the minutes of the particular council meeting at which such amendments have been passed. If the minutes have been duly circulated, as provided in the constitution, this shall be deemed sufficient notice of such amendments.

17. FINANCES

- 17.1 The BOARD as authorized by the General Assembly shall open and operate a banking account with a registered banking institution in South Africa.
- 17.2 There shall be two signatories to every cheque or instrument drawn on the banking account.
- 17.3 The Treasurer/General Manager shall have the power of the first Signature; any other officials delegated by Board shall provide the second signature.
- 17.4 The Treasurer shall provide an audited financial report to AGM.
- 17.5 The financial year of BSA shall commence on the first day of April and end on the last day of March the following year.
- 17.6 Affiliation fees shall be payable by the last day of March of each year.
- 17.7 The General Manager or his delegated authority shall keep proper records of accounts/financial transactions/financial projects of Basketball SA and shall be reconciled on monthly basis with the Basketball SA bank account, which will be circulated to provinces (chairpersons) on a quarterly basis.

18. DISCIPLINE

- 18.1 Any member or individual who, contravenes any of the terms or provisions of this constitution, or fails/refuses any lawful decision of the General Assembly, the Board, or any standing committee of Basketball SA, shall be charged with misconduct as provided in the rules and regulations of the federation.

19. ANTI DOPING

- 19.1 Doping is strictly forbidden by Basketball SA, World Anti Doping Agency, FIBA and SASCOC, BasketballSA shall make appropriate Anti Doping regulations, governing the usage of drugs and prescribing sanctions where a doping offence has occurred or found to have been committed. At all times Basketball SA shall take into consideration the requirements of RSA legislations on drugs.

20. DISPUTE RESOLUTION

- 20.1 Any disagreement relating to the enforceability of this Constitution or the interpretation or application of the provisions thereof, or any conflict of interest between any number of members of Basketball SA or between a member and Basketball SA itself, shall be deemed to be a dispute, and such dispute shall be dealt with in terms of the by-Laws of this Constitution
- 20.2 Any disagreement or dispute carried forward shall be referred to the SASCOC and the decision will be final and binding for all parties involved.

21. MEMBERS' LIABILITY

- 21.1 The liability of a member to contribute towards the payment of the debts and Liabilities of Basketball SA, or the costs, charges and expenses of the winding up of Basketball SA is limited to the amount, if any, unpaid by the member in respect of membership of Basketball SA as required by this constitution.

22. FEES, DUTIES AND LEVIES

- 22.1 Each member Association shall pay annually to Basketball SA an Affiliation Fee to be determined annually by the General Assembly in conjunction with the approval of its annual budget, and such affiliation fees shall be due and payable on 31 March in each year in respect of the year ending 31 December following.
- 22.2 Each Provincial Association shall also be liable to pay Basketball SA, from time to time, such other fees and on such date(s) as may be decided by the General Assembly.

23. SUSPENSION AND CESSATION OF MEMBERSHIP

- 23.1 Failure by a member Association to pay all or part of its Affiliation fee before the 31 March in each year, or to pay any other fees decided by the Council on or before due date for payment, shall entail the automatic suspension of the Provincial Association in default. The suspension may be aside, with the defaulting Regional Association restored to membership, by the General Assembly.
- 23.2 The council, by a two-thirds majority and if satisfied that the Provincial fees including arrears of fees and other amount due to Basketball SA will be paid in full within twelve (12) months of the Council setting aside the suspension, or
- 23.3 The Board, on payment of the money in arrears and of such fines as may be deemed appropriate by Board.
- 23.4 Any violation by a member of the Constitution and By-Laws of Basketball SA or of any order made in conformity therewith shall render such member liable to suspension from BSA by Board until the next meeting of the General Assembly, at which meeting the member may be liable for appropriate disciplinary action.
- 23.5 Any member of BSA may on the motion of the Board, be liable for expulsion for:
- 23.5.1 Any violation of the Constitution and By-Laws of Basketball SA or any order made in conformity therewith,
- 23.5.2 Conduct unbecoming a member,
- 23.5.3 Conduct not in the interest of Basketball SA and the promotion of its objects.
- 23.5.4 Expulsion of a member shall be decided by the General Assembly and shall require:
- 23.5.4.1 In the case of a Provincial Associations or League Association, a two-thirds majority vote of the representatives present at such meeting.
- 23.5.4.2 In case of an individual member, a two-third majority vote of the Representatives present at such meeting.
- 23.5.4.3 At such meeting of the General Assembly, the member who is the subject of the motion to be expelled shall be given the right to address the General Assembly. The Board shall cause such member to have given notice of the proposed motion for expulsion and a short statement of reason therefore, at least one month prior to the meeting of the Council in question.

24. AMENDMENT TO THE CONSTITUTION

- 24.1 This constitution may be amended at the AGM or SGM of Basketball SA called specifically for that purpose upon written request of at least 50% plus one (1) members of Basketball SA.
- 24.2 The said amendment shall be passed by two thirds majority of those present and entitled to vote at such meeting.

25. DISSOLUTION

- 25.1 Basketball SA shall be dissolved upon a resolution passed by a majority of two thirds of the members at SGM called specifically for that purpose.
- 25.2 Upon Dissolution and after the satisfaction of all its debts and liabilities, any property whatsoever in the possession of Basketball SA shall by resolution of the General Assembly of members, be given or transformed to another non-profit organization that has similar objectives.

This Constitution was adopted on 25 October 2008 at Olympic House and is signed by the:

Malesele Maleka
President

Tsepo Nyewe
SG/ CEO

Date : 25 October 2008