



NAMIBIA AQUATIC SPORTS FEDERATION

# CONSTITUTION

Approved by the NASFED Council on 30<sup>th</sup> November 2020  
Amended by the NASFED Council on 21<sup>st</sup> November 2023

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## DEFINITIONS AND INTERPRETATION

The headings to the articles and annexes to this Constitution are for reference purposes only and shall in no way govern or affect the interpretation of, nor modify nor amplify the terms of this Constitution, nor any article or annexure hereof.

Unless inconsistent with the contents, an expression which denotes:

- any one gender includes the other gender;
- a natural Person includes a juristic person and vice versa; and
- the singular includes the plural and vice versa.

Unless inconsistent with the context or save where the contrary is expressly indicated:

- where any number of Days is prescribed in this Constitution, the same shall be reckoned exclusively of the first and inclusively of the last Day, unless the last Day falls on a day which is not a Business Day, in which case the last day shall be the next succeeding Business Day;
- any reference in this Constitution to a provision of Law is to the provision as at the Signature Date and as amended or re-enacted from time to time;
- the words “**shall**” and “**will**” and “**must**” used in the context of any obligation or restriction imposed on a person have the same meaning.
- “**prescribed**” means as prescribed in writing by Council from time to time and communicated to the Members by the Secretary General;

Where any term is defined within the context of any particular article in this Constitution, the term so defined, unless it is clear from the article in question that the term so defined has limited application to the relevant article, shall bear the same meaning as ascribed to it for all purposes in terms of this Constitution, notwithstanding that the term is not being defined in “Definitions and Interpretation”.

Unless inconsistent with the context, the words and expression set forth below, shall bear the following meanings and cognate expressions shall bear corresponding meanings:

**“Act”** means the Namibia Sports Act 12 of 2003;

**“Affiliated Member”** means any *bona fide* Club in Namibia who successfully applied to the Federation to become an Affiliated Member in accordance with the provisions hereof and who is, at all applicable times, in good standing with the Federation and **“Affiliated Membership”** shall have a corresponding meaning;

**“AGM”** means the annual general meeting of the Council duly convened and held in accordance with the provisions hereof;

**“Annual Subscription”** means the annual subscription fee for Affiliated Members, Associate Members and Individual Members as determined by Exco from time to time and payable yearly in accordance with the provisions hereof;

**“Aquatics”** means the sports of swimming, open water swimming, diving, high diving, water polo and artistic swimming, including masters for the aforementioned disciplines, and any other discipline that may be governed by NASFED from time-to-time;

**“Aquatic Discipline”** means, as the context may require, the applicable aquatic activity in accordance with the provisions hereof;

**“Aquatic Season”** shall be from 1<sup>st</sup> May to 30<sup>th</sup> April;

**“Associate Member”** means any organization or body in Namibia with an interest in one or more Aquatic Disciplines and who successfully applied to the Federation to become an Associate Member in accordance with the provisions hereof and who is, at all applicable times, in good standing with the Federation; and **“Associate Membership”** shall have a corresponding meaning;

**“Athletes Representative”** means the athletes’ representative of the Federation, from time to time, duly elected as such in accordance with the provisions hereof;

**“Business Day”** means any day other than a Saturday, Sunday or an officially recognized public holiday in Namibia in terms of the Public Holidays Act 26 of 1990;

**“Club”** means swimming, open water swimming, diving, high diving, artistic swimming, water polo club, including masters for any of the aforementioned disciplines;

**“Club Member”** means any individual who is a registered member of any Affiliated Member;

**“Competition”** means, as the context may require, any gala, competition, event, meeting, camp, clinic, tour or the like and relating to one or more Aquatic Disciplines, be it national or international;

**“Constitution”, “this Constitution”, “herein”, “hereto” and “here of”** and similar expressions may be used interchangeably and each refers to the Constitution as set out in this document as amended from time to time and includes any annexes hereto;

**“Council”** means the Council of the Federation, which shall consist of the Exco and two Delegates from each Affiliated Member;

**“Days”** means full calendar days, inclusive of public and other holidays;

**“Delegate”** means such Club Members as are, from time to time, appointed by the applicable Affiliated Member as a Delegate to the Council, provided that only Club Members of the applicable Affiliated Member may be appointed as a Delegate;

**“Drug(s)”** means any substance method and/or provision regulated, listed and/or prohibited in accordance with World Aquatics Doping Control Programme and/or in the World Anti-Doping Agency’s Prohibited List;

**“Emergency Event”** means an event or occurrence, such as the following:

- when time is of the essence and the Council/Exco is not available to make a decision;  
or
- when the Council is unable to reach a decision for whatsoever reason.

**“Exco”** means the executive committee of the Federation;

**“Exco Meeting”** means a meeting of Exco duly convened and held in accordance with the provisions hereof and more specifically article 32 (**Exco Meetings** and conduct thereof);

**“Federation”** or “NASFED” may be used interchangeably and means the Namibia Aquatic Sports Federation created and governed by this Constitution;

**“Gala”** means a swimming gala;

**“General Meeting”** means a general meeting of the Council duly convened and held in accordance with the provisions hereof and includes an **AGM**;

**“Governance Framework”** means the framework, containing various policies, to be read together with this Constitution, as determined by the Federation from time to time;

**“Individual Member”** means any individual person who has successfully applied to the Federation to become an Individual Member in accordance with the provisions hereof and is, at all applicable times, in good standing with the Federation and **“Individual Membership”** shall have a corresponding meaning;

**“Law”** means any law (including common or customary law) or statutory constitution, decree, judgment, treaty, regulation, directive, by-law, order or any other legislative measure of any government, local government, statutory or regulatory body or court;

**“Members”** means collectively the Affiliated Members, Associated Members, Individual Members, Honorary and Life Members, and **“Member”** means, as the context may require, any one of such Members and **“Membership”** shall have a corresponding meaning;

**“Namibia”** means the Republic of Namibia;

**“Namibian National Swimming Championships”** means, in relation to Long Course and Short Course, the Gala, held once a year during each Aquatic Season, which serves as the junior national swimming championship (**“Junior Championship”**) and senior swimming national championships (**“Open Championship”**), including Masters, and is to be organised and held under the auspices of the Federation, provided that, although held on the same day, the Recorder will record the times and positions achieved at the junior, senior and masters age groups separately;

**“NSC”** means the Namibia Sports Commission established in terms of section 2 of the Act;

**“Namibian Team”** means, from time to time, the national team (this term having the meaning ascribed thereto in the Act) for any one or more Aquatic Disciplines, provided that a team shall not be designated as a national team unless 5 or more national teams from other jurisdictions partake at the applicable **Competition**;

**“NASFED Emblem”** means the official emblem of the Federation determined by the Council, including any change to such emblem from time to time;

**“National Emblem”** means the national sports emblem for Namibia as determined in terms of the provisions of the Act and more specifically section 29 thereof;

**“Olympic Games”** means the Summer Olympic Games held under the auspices of the International Olympic Committee;

**“President”** means the President of the Federation, from time to time, duly elected as such in accordance with the provisions hereof;

**“Property”** means any or all of the assets (whether movable or immovable, *corporeal* or *incorporeal*) of the Federation;

**“Recorder”** means the national recorder of the Federation, duly elected as such;

**“Round Robin Resolution”** means a resolution adopted by written consent of a majority of the Delegates or Exco members (as the context may require), given in person or by email, provided that each Delegate or Exco member has received notice of the matter to be decided upon;

**“Secretary General”** means the Secretary General of the Federation, from time to time, duly appointed as such in accordance with the provisions hereof;

**“Sport Event”** means any aquatic sport event convened or attended under the auspices of the Federation and held in accordance with the provisions set by the World Aquatics;

**“Swimming By-Laws”** means the Swimming By-Laws attached hereto as Annexure A or any replacement thereof;

**“Treasurer”** means the Treasurer of the Federation, from time to time, duly elected as such in accordance with the provisions hereof;

**“Vice-President”** means the Vice-President of the Federation, from time to time, duly elected as such in accordance with the provisions hereof.



## I. GENERAL PROVISIONS

### 1. NAME, LEGAL STATUS AND AFFILIATIONS

- 1.1. The full name of the Federation shall be the Namibia Aquatic Sports Federation with the abbreviation “NASFED” and the shortened name “Namibia Aquatics”;
- 1.2. The Federation shall be a corporate body having a separate legal *persona* with perpetual succession and no Member will have any rights, by reason of his membership, to the Property;
- 1.3. The Federation shall be affiliated to World Aquatics and an affiliate member of Africa Aquatics. The Federation acknowledges:
  - World Aquatics as the only recognized body in the world which governs Aquatics internationally;
  - Africa Aquatics as the only recognized body in Africa which governs Aquatics on a continental basis;
- 1.4. The Federation shall be an affiliate member of Namibia National Olympic Committee and Namibia National Paralympic Committee in Namibia;
- 1.5. The Federation shall be registered with the Namibia Sport Commission as set out by the Namibia Sports Act, 2003 (Act No. 12 of 2003) and will comply with this Act, its constitution and rules.
- 1.6. Subject to the Namibia Sports Act, NASFED is the only body in Namibia with the authority to sanction national or international events resorting under the definition of Aquatic Disciplines.

### 2. OBJECTIVES

The purposes and objectives of the Federation shall be to, within Namibia:

- 2.1. promote and encourage the development of Aquatics;
- 2.2. provide for Aquatics to be Drug free;
- 2.3. promote and encourage the development of international relationships;
- 2.4. create and promote development initiatives;

- 2.5. stimulate and promote public opinion in favour of providing facilities for practising of the Aquatic Disciplines;
- 2.6. promote, organize, control and conduct Competitions;
- 2.7. make and promote the uniformity of rules for the control and regulation of Aquatic Disciplines, and particularly to make regulations as to the conduct and holding of Competitions and the appointment of officials to officiate at such Competitions and matters incidental thereto;
- 2.8. ensure that the Federation and all its Members do not practise discrimination on the grounds of race, religion, gender or political associations.

### **3. NEUTRALITY AND NON-DISCRIMINATION**

- 3.1. NASFED is neutral in matters of politics and religion.
- 3.2. Discrimination of any kind against a country, private person or group of people on account of race, skin colour, ethnic, national or social origin, gender, language, religion, political opinion or any other opinion, wealth, birth or any other status or any other reason is strictly prohibited and punishable by suspension or expulsion by NASFED through the NSC.

### **4. PROMOTING FRIENDLY RELATIONS**

- 4.1. NASFED shall promote friendly relations between its Members and in society for humanitarian objectives.
- 4.2. Every person and organisation involved in NASFED is obliged to observe the relevant statutes, regulations and the principles of fairness as well as the principles of loyalty, integrity and sportsmanship.
- 4.3. NASFED shall provide the necessary institutional means to resolve any disputes that may arise between Members.

### **5. CONDUCT OF BODIES AND OFFICIALS**

- 5.1. NASFED must enforce the laws and rules of the Federation and deal with any infringement thereof.
- 5.2. The bodies and officials of NASFED must observe the statutes, by-laws, regulations, directives, decisions and the Code of Ethics of the NSC, if applicable, in their activities.

## **6. OFFICIAL LANGUAGE**

- 6.1. The official language of NASFED shall be English. Official documents and texts shall be written in the English language.
- 6.2. The official language at the AGM shall be English.

## **II. MEMBERSHIP**

### **7. ADMISSION, SUSPENSION AND EXPULSION**

- 7.1. The Council shall decide whether to admit, suspend or expel a Member.
- 7.2. Admission may be granted if the applicant fulfils the requirements of NASFED.
- 7.3. Membership is terminated by resignation or expulsion. Loss of membership does not relieve the Member from its financial obligations towards NASFED or other Members of NASFED but leads to cancellation of all rights in relation to NASFED.

### **8. ADMISSION**

- 8.1. The Membership of the Federation will comprise three or more Affiliated Members, and additionally, Associate Members, Individual Members and Honorary or Life members.
- 8.2. Application (“**Application**”) for Membership shall be made in writing in the prescribed form to the Secretary General, not later than the end of February of the applicable year. Each Application must be accompanied by:
  - 8.2.1 the applicable Annual Subscription (provided that the Annual Subscription shall be refunded if the Application is not successful);
  - 8.2.2 in the instance of an Application to become an Affiliated Member, a copy of the constitution, rules and regulations or other governing document of the applicant, and such other information as the Federation may require;
  - 8.2.3 in the instance of an Application to become an Associate Member, by a recommendation to that extent by Exco.
  - 8.2.4 In the instance of an Application to become an Individual Member, by compelling motivation and such other information as the Federation may require.

- 8.3. Only Clubs will be eligible to become Affiliated Members. The constitution of each Club who desires to become an Affiliated Member must acknowledge that it is bound by the provisions of this Constitution and must not be in conflict with this Constitution. Where there is a conflict, this Constitution shall prevail.

## **9. REQUEST AND PROCEDURE FOR APPLICATION**

- 9.1. Associate and Individual Membership will only be granted in special circumstances, which circumstances shall be in the sole and absolute discretion of the Council/Exco. The organization or body applying for Associate Membership must have an interest in Aquatics.
- 9.2. Applications, with exception of Individual Membership applications which shall be approved by Exco, may only be considered at a General Meeting and may only be accepted if approved by a two-third majority of those present and eligible to vote at such General Meeting. A General Meeting shall have absolute discretion on whether or not to accept any Application. Notwithstanding the provisions of this article, the Exco shall have the right, subject to the provisions hereof, to conditionally accept any Application for Affiliated Membership affiliation of an applicant body temporarily in and subject to confirmation thereof by the requisite two-third majority at the next General Meeting. Upon approval of any Application, the Secretary General shall inform the applicable applicant thereof in writing.

## **10. MEMBERS' RIGHTS**

- 10.1. Members shall have the right to:
- 10.1.1 use the services of NASFED;
  - 10.1.2 participate in NASFED competitions and events for which they are eligible in accordance with the applicable rules and guidelines;
  - 10.1.3 make proposals to amend this Constitution or the Federation's rules and regulations;
  - 10.1.4 make nominations for the position of Secretary General, Exco Members and/or Committee Member;
  - 10.1.5 apply to host NASFED competition or event;
  - 10.1.6 participate and, in accordance herein, have voting rights at any NASFED general meeting, including the AGM;

10.1.7 withdraw from the Federation. Members wishing to do so shall give thirty (30) days' notice, in writing, to that effect before the date of the AGM, failing which they will be held liable for the Annual Subscription for the ensuing year;

10.1.8 exercise and receive all rights and benefits of Members as set forth in this Constitution.

10.2. Members shall have no liability in regard to debts or financial liabilities of the Federation.

10.3. Any of the above membership rights are subject to applicable limitations or disciplinary decisions as they may apply, from time to time, to a Member.

## **11. MEMBERS' OBLIGATIONS**

11.1. An Affiliated Member must, during the applicable Aquatic Season, demonstrate its interest to remain active and uphold the objects of the Federation by either participating in at least two competitions organised by the Federation (not including school competitions), or by organizing at least two of its own competitions under the auspices, rules and regulations of the Federation. Results of such competitions shall be sent to the Recorder;

11.2. In addition, each Affiliated Member must register its Club Members and officials and must pay its Annual Subscription according to the provisions hereof and must avail such number of its Club Members as is equal to its participation quota (which quota shall be determined by Exco from time to time) to be officials at Galas. Failure to do any of these will result, subject to the provisions of article 49 (*Disciplinary Actions*) in suspension of such an Affiliated Member;

11.3. An Affiliated Members shall only be able to exercise their voting rights at any general meeting of NASFED if they have minimum of 10 registered athletes;

11.4. The Annual Subscription payable by all Members shall be paid on or before the day of the AGM for the applicable year and, in the case of new Members, together with their Application.

## **12. SUSPENSION**

12.1. A Delegate shall not be allowed to take part in any General Meeting if the Annual Subscription of the Affiliated Member, which he represents, is in arrears for more than one month; if such Annual Subscription is in arrears for more than three months, the Membership of that Affiliated Member shall automatically become suspended ("**Suspension**") and such Suspension shall not be uplifted until the arrears are paid in full.

- 12.2. While under Suspension, the applicable Affiliated Members or Club Member thereof shall not be allowed to take any part whatsoever in the affairs of the Federation, not be permitted to compete in any of the Competitions or other events of the Federation or that of any of its Affiliated Members.
- 12.3. Should an Affiliated Member or any Club Member thereof be engaged in any of the Competitions, Galas, Championship or other events of the Federation or any of its Affiliated Members prior to a Suspension, then upon Suspension, such Affiliated Member or any of its Club Members shall be barred from continuing to be so engaged.
- 12.4. No person may sit on the Council, Exco or any of its any committees or boards, or act as an official at or take part in any Competition, whilst under sentence or disqualification or suspension, for an offence committed by him.

### **13. EXPULSION**

- 13.1. The Council shall have the power to fine, reprimand or expel any Member, which or who, in its opinion, has been guilty of conduct warranting such action.
- 13.2. The Council must ensure that every Affiliated Member at all times complies with the provision of this Constitution, the Affiliated Member's constitution (or other governing document) the Act or any applicable national or international Law.
- 13.3. Subject to article 13.2, the Council may (upon a three-fourths vote cast at any General Meeting) terminate/cancel the Membership of any Member or impose such other sanction (as it deems fit in its sole and absolute discretion) upon such Member, if the Council is satisfied that the Member (or any of its members) failed to comply with any provisions of this Constitution, that Member's constitution (or other governing document) the Act or any applicable national or international Law or is otherwise unfit to be a Member.
- 13.4. The Council may not take any action in terms of article 13.3 before the applicable Member referred to in that article is given an opportunity to make written representations and if so requested by the said Member, oral representations in the matter to the Council and the Council having considered such representations, where after the Council may terminate/cancel the applicable Members' Membership or impose such other sanction as provided for in article 13.3.

### **14. RESIGNATION**

- 14.1. A member of the Exco who is desirous of resigning from his/her position must do so in writing to the Secretary General one month before the resignation is to become effective.

- 14.2. If the Secretary General is desirous of resigning from his/her position, he/she must do so in writing to the President one month before the resignation is to become effective.
- 14.3. A new member must be elected or appointed at a duly constituted meeting as soon as possible and in accordance with the provisions of article 36 (*Vacancies on Exco*) or article 39 (*Secretary General*).

### **III. HONORARY PRESIDENT AND HONORARY MEMBER**

#### **15. HONORARY PRESIDENT AND HONORARY MEMBER**

The Exco may give and grant honoraria and/or make presentations to such persons as may be deemed advisable in terms of the Constitution.

### **IV. ORGANISATION**

#### **16. BODIES OF NASFED**

- 16.1. The Council is the supreme and legislative body of NASFED.
- 16.2. The Exco is the strategic and oversight body of NASFED.
- 16.3. The Secretary General is the operational and administrative body of NASFED.
- 16.4. Standing and adhoc committees shall advise and assist Exco in fulfilling its duties. The responsibilities, composition and functions of these committees are defined in this Constitution and/or special regulations (*Policies*) drawn from time to time by the Exco.
- 16.5. The judicial bodies are the Judicial Committee and Disciplinary Commission and such other bodies as may be defined in special regulations (*Policies*) drawn from time to time by the Exco.
- 16.6. The bodies of NASFED shall be either elected or appointed without any external influence and in accordance with the procedures described in these Statutes.

#### **A. COUNCIL**

#### **17. DEFINITION AND COMPOSITION OF THE AGM**

- 17.1. AGM means the annual General Meeting of the Council duly convened and held in accordance with the provisions hereof.

- 17.2. All the members of the Exco, the Secretary General and the Affiliated Members must attend the AGM, unless an apology is tendered.

**18. DELEGATES AND VOTES**

- 18.1. Not more than two Delegates may only be appointed by each Affiliated Member, provided that such Delegates are Club Members of the applicable Affiliated Member. Notice in writing of the names of the duly appointed Delegates must be given by the Affiliated Member to the Secretary General at least three (3) Business Days before the applicable General Meeting, failing which such Delegates shall not have the right to take part in such meeting.
- 18.2. An Affiliated Member may nominate two or more alternates in place of its appointed Delegates to act in their stead where circumstances make it impossible for the appointed Delegates to act, provided however, that such alternate delegates shall be Club Members of that Affiliated Member and notice in writing of the names thereof shall have been given to the Secretary General as provided for.
- 18.3. Duly appointed Delegates shall be deemed to have the authority to represent the interest of its Affiliated Member at the applicable General Meeting.
- 18.4. In the case of any one or both the Delegates or alternate delegates of an Affiliated Member not being able to attend a General Meeting, any item (for example elections or constitutional changes), which the Secretary General, in the manner provided for below, allows to be voted upon by email, can be voted on by the applicable Affiliated Member via email. No voting by proxy is allowed.
- 18.5. Where a vote by email is, for the reason mentioned in article 18.4, required, the Secretary General shall via email, send a clear statement of the item to be so voted on together with the date on which voting shall close, to the applicable Affiliated Member. The said Affiliated Member must then send its vote(s) thereon to the Secretary General by return of email ("**Electronic Vote**"). The Secretary General shall allow at least five (5) Business Days for Affiliated Member to send its Electronic Vote to the Secretary General. The Electronic Votes shall be kept confidentially on file by the Secretary General, until the opening of the applicable General Meeting, at which the Electronic Votes shall be read out at the said meeting, and evidentiary proof thereof be shown to any Delegate requesting same.
- 18.6. Exco members, excluding the Athletes Representative, are not entitled to vote at the AGM nor at any other meeting of the Council, except in the case where an Exco member serves as chairman at such a Council meeting, where the terms of clause 20.4 shall be applicable.



**19. AREAS OF AUTHORITY**

The Council may exercise any or all of the following powers:

- 19.1. The Council shall maintain a Banking Account/Building Society Account in the name of the Federation, which account shall be operated by the President or Vice-President or Secretary General, together with the Treasurer. The accounts of the Federation shall be audited by auditors appointed or reappointed at each AGM held in each season.
- 19.2. The Council shall, at each AGM, vote to fill any vacancies on Exco as more fully provided for in article 22 (*Elections*).
- 19.3. The Council may purchase or hire movable and immovable property in the name of the Federation, upon such terms and conditions as may be considered expedient and shall further have the right to borrow money on mortgage or otherwise for such purposes.
- 19.4. The Council shall at a General Meeting consider all applications for affiliation, including applications for affiliation provisionally accepted by the Exco in terms of and subject to the provisions of article 9.2.
- 19.5. The Council may suspend, abandon, or alter any or all of its competitions or in their stead substitute others.
- 19.6. The Council shall deal with all appeals or protests from or against decisions of Exco, provided that Exco members shall not, in their capacity as Exco members, be entitled to vote on the disputed resolution.
- 19.7. The Council may appoint or nominate special committees (each a “**Special Committee**”) to consider and report upon any question that may be referred to them.
- 19.8. The Council shall be empowered to deal with all matters arising out of or incidental to the proper management or control of the affairs of the Federation or of Aquatics itself and not otherwise provided for in this Constitution.
- 19.9. The Council shall be empowered to elect a board/s of control (“**Board of Control**”) as may be deemed necessary at the AGM.
- 19.10. The Council shall be empowered to elect a selection committee (“**Selection Committee**”) at the AGM.

- 19.11. Other than the election of Exco members, the Council may decide upon any matter which it is empowered to resolve by means of a Round Robin Resolution (“**Round Robin Resolution**”).

## **20. QUORUM OF THE COUNCIL**

- 20.1. A quorum at all General Meetings shall consist of Delegates (provided that it shall not be necessary for an Affiliated Member for this purpose to be represented by more than one Delegate) representing not less than one quarter of the total number of Affiliated Members which are in good standing with the Federation, together with at least five members of the Exco (provided that Exco members cannot serve as a Delegates at the same time). If, within fifteen (15) minutes from the time appointed for any General Meeting, a quorum is not present, the meeting shall stand adjourned to the same day in the next week, provided that all Affiliated Members shall be notified of the time and place of the adjourned General Meeting by the Secretary General. If at such adjourned meeting, there is not a quorum present within fifteen (15) minutes from the time appointed for such adjourned meeting, the Delegates and/or members of Exco then present shall be entitled to proceed with the business of the agenda of the original General Meeting only.
- 20.2. Each Associate Member shall be entitled to two representatives who may attend General Meetings. These representatives may enter into discussion on matters relevant to the affairs of their Associate Member but shall not vote at such meetings.
- 20.3. Each Individual Member is entitled to attend General Meetings but shall have no vote at such meetings.
- 20.4. The chairman at all General Meetings shall be the President and in his absence the Vice-President. If both are absent, the Council shall elect a Chairman from those present at the applicable General Meeting. The Chairman shall have authority on every point of order. In case of an equality of votes, the Chairman shall have the casting vote on any motion.
- 20.5. Unless specifically otherwise provided for herein, no resolution of the Council shall be passed unless more than 50% of the Members attending the applicable General Meeting and who are entitled to vote thereat, vote in favour thereof and any resolution, which is passed in breach thereof shall be of no force and effect.
- 20.6. Voting shall be by show of hands, except in the election of officers where more than the requisite number has been nominated, in which case the voting shall be by ballot. In the event that only one candidate has been nominated for a specific post and no objection is received from the Delegates at the applicable AGM, such candidate shall be deemed

elected in terms hereof without a formal vote being required. If one or more Delegate objects to such candidate then a formal vote in terms hereof, will be required.

- 20.7. The Chairman, with the consent of the Council, may adjourn any meeting from time to time, and at such adjourned meetings only such business remaining unfinished shall be transacted.

## **21. DECISIONS OF THE COUNCIL**

The Council's decision on all questions shall be final and binding on all Members and the Council may call upon any Member to submit for inspection such documents, books or statements as may be deemed necessary and expedient for the purposes of the matter under consideration. Failure to comply with such demand shall render the offender liable to such penalty as may be imposed by the Council.

## **22. ELECTIONS**

- 22.1. Members of the Exco shall be elected at a duly constituted AGM.
- 22.2. Nominations of candidates for vacancies on Exco to be voted upon at the AGM must be submitted to the Secretary General by the Affiliated Members in good standing, not less than seven (7) Business Days before the applicable AGM. The Secretary General shall disclose all nominations to the Affiliated Members not less than five (5) Business Days before the AGM.
- 22.3. No person shall be eligible to be elected as the member of the Exco if he/she:
- i. Is not a Namibian citizen;
  - ii. has reached the age of 70 on the day of the election;
  - iii. is a member of the National Assembly, a regional council or a local authority council  
or
  - iv. is an Exco member of one other national sports body.
- 22.4. In addition, a person may not hold office as a member of the Exco for a period exceeding 10 years in aggregate.
- 22.5. The President, Vice President, Treasurer and Recorder shall be elected for terms of two (2) years after which they may either retire or stand for re-election.
- 22.6. The posts of President and Treasurer will be staggered by one year to those of Vice-President and Recorder.

- 22.7. All Exco members elected for a two-year office may, after one year, make themselves available to any other two-year post. If elected to that new post the vacancy thus created will then be filled by election for a period of one year. All other members (including the Athlete Representative) shall hold office for two years.
- 22.8. Should any Exco member holding a dual post on the Exco resign then only his chair will be filled by Rule 36 (*Vacancies on Exco*). The dual posts will be filled by existing Exco members.
- 22.9. The Athletes Representative shall be elected by and from amongst swimmers, open water swimmers, divers, artistic swimmers and water polo players. The Athletes Representative must, at the applicable time, be 18-years or older and be permanently resident in Namibia for the duration of his/her term as Athletes Representative. Only swimmers, open water swimmers, divers, artistic swimmers and water polo players 12-years and older shall be entitled to vote for the Athletes Representative. The election of the Athletes Representative shall take place at the LC National Swimming Championships.

**23. ANNUAL GENERAL MEETING (AGM)**

An AGM, of which twenty-eight (28) days' notice in writing shall have been given by the Secretary General to all members of Exco and Affiliated Members, shall be held in June each year or as soon as reasonably possible thereafter.

The AGM must approve the accounts, the budget, a technical report as well as an audit report.

**24. AGM AGENDA**

The agenda at an AGM will include the following:

- i. verification of quorum;
- ii. appointment of the Chair;
- iii. approval of the agenda;
- iv. confirmation and adoption of minutes of previous AGM;
- v. report of the NASFED activities (Annual Report), presented by the President;
- vi. presentation of the technical report (Annual Technical Report);

- vii. presentation and adoption of the financial report (Financial Statements), presented by the Treasurer and/or the External Auditors;
- viii. presentation and adoption of financial projection (Budget) for the following year;
- ix. appointment of the External Auditors;
- x. consideration of Applications for Affiliations;
- xi. proposals for changes and amendments of the present Constitution;
- xii. consideration and resolution of any notices of motion;
- xiii. election of persons to fill vacancies on Exco, any Board of Control and Selection Committee, and election of such other members and officials as may be deemed expedient;
- xiv. consideration and resolution of any general business of the Federation.

**25. SPECIAL GENERAL MEETING (SGM)**

A Special General Meeting may be called by the President and shall be called by the Secretary General on written requisition signed by at least four (4) members of the Council, which meeting shall be held within seven (7) days of the application and at which meeting no business shall be conducted other than that specified in the notice calling the meeting.

**26. ORDINARY GENERAL MEETINGS (OGM)**

An ordinary General Meeting may be convened by the Secretary General, on approval of the President or in his absence the Vice-President, upon seven (7) days' notice in writing thereof being given to all members of Exco and Affiliated Members, whenever the same may be necessary for the transaction of any business.

**27. ELECTRONIC ATTENDANCE AT MEETINGS**

Any member of the Council may attend any General Meeting via electronic means (such as by video conference) provided that such attendance is in compliance with the rules set forth herein and any other applicable laws.

- 27.1. A member of the Council may attend a meeting electronically if the following conditions are met:

- 27.1.1 a member has a compelling reason why he/she is unable to physically attend the meeting such as personal health circumstances, work or business commitments, family or other emergency;
- 27.1.2 a quorum is physically present throughout the meeting;
- 27.1.3 a majority of the members physically present vote to approve the electronic attendance at the meeting;
- 27.2. The member who intends to attend a meeting electronically shall notify the Secretary General at least twenty-four (24) hours prior to the meeting so that necessary arrangements can be made.
- 27.3. Inability to make the necessary technical arrangements will result in denial of a request for electronic attendance.
- 27.4. A member permitted to attend electronically will be eligible to express opinions, vote on any such matters or motions as may be required and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures contained herein.
- 27.5. For the purpose of minutes of a meeting at which the electronic attendance is approved, any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

**28. AMENDMENTS OF STATUTES**

The Council may, at any General Meeting, alter, amend or vary any provision of the Constitution and/or alter, amend, vary or revoke any By-Laws, Rules or Regulations of the Federation (collectively, "**Amendment**"), provided however, that a written notice of the applicable motion relating to one or more Amendment setting out details of the proposed Amendment shall be prepared by the proposer thereof and be given to the Secretary General not later than fourteen (14) days after receipt of the notice setting the date of the General Meeting. The Secretary General shall circulate the said notice proposing the Amendment to all Affiliated Members not less than seven (7) days prior to such meeting. For the proposed Amendment to become effective it must be passed at a General Meeting by a two-third majority of those present and eligible to vote at such meeting.

**29. MINUTES OF GENERAL MEETINGS**

The chairman shall cause to be kept by the Secretary General, a full record of minutes (“**Minutes**”) of the proceedings of all General Meetings.

Unless otherwise agreed upon at the applicable General Meeting, copies of the Minutes shall be forwarded to each Affiliated Member within a reasonable time of the applicable General Meeting, except the Minutes of the AGM (which shall be read at the first Exco Meeting convened and held after the applicable AGM and initialled by the Chairman as a correct record) shall be read at the next General Meeting and, after confirmation, be signed by the Chairman of that General Meeting and the Secretary General.

The minutes shall be provided to World Aquatics within sixty (60) days of the General Assembly. World Aquatics shall have the right to send an observer to any such General Assembly.

**30. EFFECTIVE DATES OF DECISIONS**

Decisions passed by the Council shall become effective for the Members sixty (60) days after the close of the AGM or General Meeting, unless the Council at the time of applicable decision agrees to another date for a decision to take effect.

**B. EXECUTIVE COMMITTEE**

**31. COMPOSITION OF EXCO**

The Exco of the Federation shall consist of:

- i. the President;
- ii. the Vice-President;
- iii. the Treasurer;
- iv. the Recorder;
- v. the Athletes Representative; and
- vi. so many executive members as may be necessary to make up a committee of not less than seven (7) and no more than eleven (11) Members.

NASFED will strive to achieve balanced gender representation within the Executive branch of the Federation.

## **32. POWERS AND DUTIES OF EXCO**

32.1. The powers and duties of the Exco shall be to:

- 32.1.1 appoint the Secretary General from nominations submitted by Exco and Affiliated Members in good standing, which appointment shall be for a two (2) year term, after which he/she may either retire or be reappointed. The Secretary General shall have no voting rights and may be paid such remuneration as Exco may decide upon;
- 32.1.2 appoint an assistant to assist the Secretary General in carrying out of the secretarial duties of the Federation, either in an honorary capacity or otherwise, provided that such Assistant may attend but not vote at any Exco Meeting and that his/her duties shall consist mainly of taking of the minutes of General Meeting and Exco Meetings, typing the same and assisting generally in the work of the Secretary General;
- 32.1.3 determine the Annual Subscription and other fees payable;
- 32.1.4 allocate the Namibian National Championships and other Competitions and to fix the fees therefore;
- 32.1.5 approve or veto officials to officiate at Galas;
- 32.1.6 decide all cases of dispute arising from, between, or relating to Members or otherwise pertaining to Aquatics not otherwise provided for in this Constitution;
- 32.1.7 deal with complaints against any Affiliated Member, or Club Members thereof, for misconduct and, if considered advisable, to impose penalties by way of suspension etc. Affiliated Members or any of its members so penalised shall have the right to appeal to the Council in which case any penalty imposed by the Exco, be confirmed, varied or set aside by Council provided that neither Exco members nor the Delegates of the Affiliated Member against whom the sanction was imposed, shall be allowed to partake in any vote pertaining to the aforesaid at the applicable General Meeting;
- 32.1.8 consider ratification of all Namibian Records of which application for ratification has been received;
- 32.1.9 act as holders in trust of all trophies, monies and other Property of the Federation and to deal with the same as the Council may decide. To arrange methods of ensuring the safety of Trophies whilst in the hands of holders including receipts for possession, liability for damage whilst in holders' possession and penalties for not returning the same on due date. All Trophies shall be insured by and at the expense of the Federation;



- 32.1.10 receive and pass accounts for payment;
  - 32.1.11 refund all necessary expenses incurred by any person or body whilst engaged in the work of the Federation;
  - 32.1.12 deal with any urgent business which is impracticable to refer to the Council, and routine business including the provisional acceptance of Applications which may be received between General Meetings;
  - 32.1.13 hear and decide upon any appeal or protest by any Club Member penalised/sanctioned by its Affiliated Member, provided that all appeals or protests when made by any Club Member must be accompanied by a deposit as defined by the Exco and advised at the AGM, such deposit being forfeited should the protest or appeal be deemed by the Federation to have been made frivolous or not on reasonable grounds;
  - 32.1.14 institute or defend legal proceedings on behalf of the Federation;
  - 32.1.15 refer any matter upon which Council may decide in terms hereof or any deadlock at Exco level, for a decision by Council which decision may (if so directed by the President) be taken by Council by means of a Round Robin Resolution;
  - 32.1.16 decide upon any matter (which it is empowered to decide upon in terms hereof) by means of a Round Robin Resolution.
- 32.2. All decisions of the Exco shall be final and binding on the Members and take immediate effect and shall be acted upon unless and until altered by the Council at a General Meeting.
- 32.3. The Exco shall be responsible for electing representatives to fill the positions of manager and chaperone(s) and any other necessary position for travelling Namibian Teams.
- 32.4. The Exco shall appoint a person, who need not be a member of the Exco, to act as the organiser of Competitions and Sport Events ("**Event Organiser**"). This person shall act as such unless otherwise decided by the Council at the AGM. The Event Organiser shall head a sub-committee made up of himself and one Club Member of each Affiliated Member. It shall be this subcommittee's duty to organise all necessary workers for all Competitions, Sport Events, displays or events that are run under the auspices of the Federation.

**33. EXCO MEETINGS**

- 33.1. Exco Meetings shall be convened by the Secretary General whenever deemed expedient or on instructions of the President, and also upon a written requisition thereof signed by four (4) members of the Exco.
- 33.2. A quorum at any meeting of the Exco shall consist of the majority of its members.
- 33.3. Unless specifically otherwise provided for herein no resolution of Exco shall be passed unless more than 50% of the members of Exco who are present at the start and throughout a duly constituted Exco Meeting, vote in favour thereof and any resolution which is passed in breach thereof shall be of no force and effect.
- 33.4. Electronic Attendance shall be permitted at the Exco meetings.

**34. MINUTES OF EXCO MEETINGS**

- 34.1. The Secretary General shall record the proceedings of the Exco in the minute book (“**Exco Minutes**”).
- 34.2. Copies of the Exco Minutes shall, if practically possible, be circulated to Affiliated Members within fourteen (14) days after the applicable meeting.
- 34.3. The Exco minutes shall be approved at the following Exco meeting and, upon such approval, circulated to all Affiliated Members.

**35. ABSENCE FROM MEETINGS OF EXCO**

If any member of the Exco is absent from three consecutive Exco Meetings, after having received the customary notices and without tendering a valid excuse, the seat of such member on the Exco may be declared vacant, by an ordinary majority vote by Council.

**36. VACANCIES ON EXCO**

Exco has the power and authority to fill any vacancy that occurs on Exco in the period between AGMs. The Secretary General shall inform all presidents of Affiliated Members in writing of such a vacancy. Nominations may then be made by any Affiliated Member in good standing. These nominations shall be considered by the Exco at the following Exco meeting and the vacancy shall be filled by election passed by an ordinary majority. The new post shall be held until the next General Meeting.

**37. EXCO MEMBERS MAY NOT ACT AS DELEGATES**

No member of the Exco may act as a delegate, except at any AGM when such member may be newly appointed and then for that meeting only.

**38. EXCO PORTFOLIOS**

The Exco portfolios are described as follows:

**38.1. PRESIDENT**

The President of the Federation will be duly elected and shall have the duty to:

- i. serve on the Exco;
- ii. chair all NASFED meetings;
- iii. chair Selection Committee meetings;
- iv. authorize Special General Meeting and Ordinary General Meeting;
- v. attend meetings with the Ministry of Sports, Youth and National Service, Namibia Sport Commission, Namibia National Olympic Committee, Namibia Schools Sport Union and other sports administration bodies;
- vi. authorize official documentation and financial transactions;
- vii. assist in preparation of budgets;
- viii. chair disputes and disciplinary hearings and
- ix. promote unity and cooperation within NASFED structures.

**38.2. VICE PRESIDENT**

The Vice President of the Federation will be duly elected and shall have the duty to:

- i. serve on the Exco;
- ii. attend all NASFED meetings;
- iii. attend meetings with the Ministry of Sports, Youth and National Service, Namibia Sport Commission, Namibia National Olympic Committee, Namibia Schools Sport Union and other sports administration bodies;
- iv. co-authorize financial transactions;
- v. assist in preparation of budgets;
- vi. assume duties of the President in the absence of the latter and
- vii. adopt vacant portfolio(s).

**38.3. TREASURER**

The Treasurer of the Federation will be duly elected and shall have the duty to:

- i. serve on the Exco;
- ii. attend all NASFED meetings;
- iii. process authorized invoices, payments, and bank deposits;

- iv. pay and receive affiliation/registration fees;
- v. keep accounting records;
- vi. assist with the registration of clubs, coaches, athletes, and officials (check fees);
- vii. draw up and present budgets for the sport administrative bodies;
- viii. prepare and present such Financial Reports as may be requested;
- ix. present external Annual Audit Report;
- x. deal with financial claims;
- xi. report on subsidies and grants received and
- xii. report on tours' reconciliation.

#### 38.4 RECORDER

The Recorder of the Federation will be duly elected and shall have the duty to:

- i. serve on the Exco;
- ii. attend all NASFED, Board of Control and Selection Committee meetings;
- iii. keep the national database of all registered athletes, coaches and officials;
- iv. set up events organised by the Federation;
- v. manage event entries, results and administrative fees;
- vi. record all entries and results of registered athletes;
- vii. manage entries and results of athletes participating in international events;
- viii. keep database of all national records;
- ix. update the records and present such to Exco for ratification;
- x. provide reports for athletes selection, testimony of achievements and such other reports as may be required;
- xi. compile and present reports and all necessary data for the NASFED Prize-giving and other trophy awards.

#### 38.5 ATHLETES' REPRESENTATIVE

The Athletes Representative of the Federation will be duly elected by the eligible athletes and shall have the duty to:

- i. serve on the Exco;
- ii. attend NASFED meetings;
- iii. attend meetings with the Ministry of Sports, Youth and National Service, Namibia Sport Commission, Namibia National Olympic Committee, Namibia Schools Sport Union and other sports administration bodies where athletes representation is required;
- iv. voice concerns of athletes;
- v. advise Exco on matters concerning athletes;
- vi. head the Athletes Committee and
- vii. establish confidential platform for reporting integrity issues and matters of concern.

## 38.6 ADDITIONAL MEMBERS

Additional Members of the Exco will be duly elected and shall be assigned their portfolios at the first meeting of the new board. The Additional Members' portfolios are prescribed by Exco in the Federation's Policies and may include roles of a Public Relation Officer, Sponsorship Coordinator, Developments Coordinator and such other functions as may be necessary.

## C. SECRETARY GENERAL

### 39. SECRETARY GENERAL

The Secretary General of the Federation will be duly appointed by the Exco Members and shall have the duty to:

- i. attend all NASFED meetings;
- ii. attend Board of Control and Selection Committee meetings;
- iii. attend to all correspondence addressed to the Federation;
- iv. authorize official documentation;
- v. set agendas, compile and distribute Minutes of the above;
- vi. handle National Colours, Clearance and Grant applications;
- vii. issue Certificates of Good Standing and Testimonials;
- viii. assist with the registration of clubs, coaches, athletes, and officials (check applications);
- ix. assist in preparation of budgets;
- x. notify Members of the AGM and
- xi. convene the Special General Meeting and Ordinary General Meeting.

## D. EMERGENCY COMMITTEE

### 40. EMERGENCY COMMITTEE

The Emergency Committee ("EC") shall be constituted by the Council for the purpose of acting during an Emergency Event only. The Emergency Committee shall consist of:

- i. Secretary General;
- ii. past NASFED President or distinguished member;
- iii. representatives of up to four (4) Affiliated Members provided no two members belong to the same affiliate and
- iv. an independent expert(s) in applicable field.

An Exco member cannot serve on the Emergency Committee.

## **E. COMMITTEES**

### **41. STANDING COMMITTEES**

#### **41.1 Board of Control**

At any AGM, a Board of Control may be elected by the Council.

The Board of Control shall be constituted as follows, one member thereof shall be a member of the Exco and the other members shall be elected from the Delegates with a maximum of one (1) Delegate per Affiliated Member. The Secretary General will take minutes of the Board of Control meetings.

The duties of the Board of Control shall be to:

- i. advise Exco on technical matters with regards to updated techniques and regulations of aquatics;
- ii. assist with the planning and drawing up of the annual programme;
- iii. assist in settling protests and disputes and to recommend their findings to Exco;
- iv. advise on the training and education of officials for Competitions;
- v. advise the Exco on the need for training equipment and facilities;
- vi. perform such other duties or tasks as may be requested by Exco.

All decisions of the Board of Control shall be subject to approval by the Exco.

#### **41.2 Selection Committee**

At any AGM, a Selection Committee may be elected by the Council.

The Selection Committee shall consist of the President, the Secretary General, the Recorder and one (1) coach from each of the Affiliated Members.

The duties of the Selection Committee shall be to:

- i. select athletes for National Squads and Teams;
- ii. recommend coaches and managers for international tours;
- iii. approve athletes' qualifications;
- iv. shortlist nominees for grants/sponsorships.

All decisions of the Selection Committee shall be subject to approval by the Exco.

### **42. SUB-COMMITTEES**

A sub-committee may be appointed by the Exco to manage a specific project.

- 42.1 The following sub-committees may be constituted either on permanent basis or from time to time:
- i. the Athletes Committee;
  - ii. the Technical Sub-Committee;
  - iii. the Event Organising Sub-Committee;
  - iv. any other sub-committee such as may be deemed necessary.
- 42.2 The sub-committee shall consist of a Project Leader and as many members nominated by the Affiliated Members (clubs) as necessary.
- 42.3 The sub-committee shall be solely responsible for the project(s) assigned to them and provide Exco with detailed reports on all their activities when required.

## **F. JUDICIAL BODIES**

### **43. JUDICIAL COMMITTEE**

A formal complaint shall be made in writing to the Secretary General and the Exco shall consider the grounds for any such complaint.

A complaint which cannot be resolved by the Exco shall be brought before the Judicial Committee comprising a chairperson and no less than two (2) and no more than four (4) other members.

The Chairperson and members of the Judicial Committee shall be selected by Exco from:

- i. currently affiliated NASFED members who wish to avail themselves for such duty;
- ii. past NASFED President(s) and distinguished members;
- iii. NASFED Athletes' Representative (if applicable).

### **44. DISCIPLINARY COMMISSION**

NASFED Exco may appoint an independent Disciplinary Commission whose role shall be to determine the severity of the offence and to recommend appropriate sanctions.

The Disciplinary Commission shall comprise:

- i. one (1) NASFED Exco member;
- ii. and up to four (4) Affiliated Members' representatives provided no two members belong to the same affiliate;
- iii. NASFED Athletes' Representative (if applicable).

## V. FINANCE

### 45. TRUST COMMITTEE

45.1 The Council may call for an independent trust committee (“Trust Committee”) to manage the finances in case an individual sponsor or for that matter any institution (collectively “Sponsor”), contributes to a specific swimmer or specific project (the latter hereinafter referred to as a “Financial Project”) only.

45.2 Members of the Trust Committee will be duly nominated and elected by a vote of members at a General Meeting.

45.3 The Trust Committee shall be responsible for the financial decisions of all projects and monies entrusted to them by the Federation on behalf of the sponsor(s). All financial decisions by the Trust Committee must be sanctioned by the Exco at the next meeting of Exco.

45.4 Members of the Trust Committee will be elected from nominations in the following categories:

- i. a past President of the Federation or its predecessor in title who will act as chairman of the Trust Committee;
- ii. a former (retired) national athlete of reputable standing;
- iii. a current or former member of a national recognised sporting body other than Aquatics. The said sporting body must be registered with the NSC;
- iv. the current President of the Federation; and
- v. the current Treasurer of the Federation.

In the event of a Financial Project, two additional seats will be granted on the Trust Committee namely that of a:

- vi. Project coordinator (appointed by the Exco); and
- vii. Sponsor’s representative (appointed by the Sponsor),

both of whom shall have the power to attend and vote at any Trust Committee meeting.

45.5 The chairman of the Trust Committee will be responsible for calling meetings and liaising with the Exco.

45.6 Separate financial statements will be prepared for each Financial Project and will be reflected separately and individually in the Annual Financial Report of Exco.



## **VI. COMPETITIONS AND RIGHTS IN COMPETITIONS AND EVENTS**

### **46. SELECTION OF NAMIBIAN TEAMS**

#### **46.1 *Competitors***

A committee ("Selection Committee"), which shall comprise the President, the Secretary General and the Recorder, and one (1) Delegate (or his alternative) of each Affiliated Member shall be appointed or reappointed at every AGM, whose duty it shall be to select the competitors to represent Namibia in any national or international competition for the ensuing year. All such selections and nominations must be referred to the Exco for confirmation.

#### **46.2 *Management Teams***

Management Teams shall be appointed for all Namibian Teams at least three months before the date of the applicable Competition itself by the Exco from recommendations received from each Affiliated Member. If such Competitions are announced on short notice, this appointment shall be done at the earliest possible date.

Please refer to Annexure A and B below.

## **VII. INTERNATIONAL MATCHES AND COMPETITIONS**

Please refer to paragraph 12 in Annexure A below.

## **VIII. FINAL PROVISIONS**

### **47. NO CLAIM**

There shall be no claim for damages against the Federation in the event of any Competition or other fixture failing to take place.

### **48. ARBITRATION**

All disputes (of whatsoever kind or nature and howsoever arising) between the Council, Exco and/or any Affiliated Members or Club Members that are not resolved in accordance with the provisions hereof within period of 21 (twenty-one) days from the date the dispute first arise, may be referred by Council, Exco and/or any Affiliated Members or Club Members to the Namibian Sports Commission for resolution thereof in terms of the provision of the Act and more specifically section 35 thereof. Any decisions made by the NSC shall be final and binding on all parties concerned.

**49. DISCIPLINARY ACTIONS**

Disciplinary action and procedures are set out in the Federation's Governance Framework, which is to be read together with this Constitution.

**50. ADDRESS OF THE FEDERATION**

The address of the Association is as follows:

5 Ugab Street,  
Eros,  
PO Box 2917  
Windhoek  
Namibia

**51. BY-LAWS AND CONDITIONS GOVERNING AQUATICS**

All by-laws, regulations and rules governing Aquatics and this Federation under the auspices of World Aquatics and included in or promulgated under the World Aquatics Constitution (collectively "World Aquatics By-Laws") shall be binding on the Federation and the Members.

Such by-laws shall become effective as of the date that this Federation receives notification thereof from World Aquatics.

**52. INDEMNITIES**

Unless the failure is condoned by Exco, no athlete, coach or official may participate in any Competition or represent the Federation or Namibia in any Competition unless a signed indemnity (in the form prescribed by the Council from time to time) for the respective season has been submitted to the Secretary General.

# ANNEXURES

## ANNEXURE A

### SWIMMING BY-LAWS

Capitalised terms used in these by-laws, shall have the meaning ascribed thereto in the Constitution of the Federation and in so far as there is any conflict between the provisions of these bay-laws and that of the Constitution, the provisions of the Constitution shall prevail.

#### 1. GALAS

The Recorder must within a reasonable time send the results and times of the applicable Gala, clearly marked as such, to all Affiliated Members.

#### 2. OPEN GALAS

Affiliated Members wishing to hold Open Galas must apply to the Federation for a permit (“**Gala Permit**”). Open Galas are Galas or a series of Competitions in which Club Members of more than one Affiliated Member are eligible to compete. A fee as determined by Exco once a year before the AGM and advised of at the AGM shall be paid for the issue of a Gala Permit, except in the case of all school associations which shall be exempt from payment of such fee.

#### 3. ENTRY FEES FOR NAMIBIAN NATIONAL CHAMPIONSHIPS AND OTHER COMPETITIONS

Entry fees as determined by Exco once a year before the AGM and advised of at the AGM will be applicable for participation in the Namibian National Championships and other Competitions.

#### 4. AQUATIC YEAR

Each Aquatic season (“**Aquatic Season**”) shall be reckoned as from 1<sup>st</sup> May to 30<sup>th</sup> April.

#### 5. REGISTRATION

##### 5.1 First Time Registration:

As soon as any person becomes a Club Member, such person may be registered with the Federation in the manner provided for in paragraph 5.2 of these by-laws, in the registration book or the electronic database of the Federation (“**Register**”), kept for that purpose by the Secretary General and the Recorder.

A Club member may only be registered as aforesaid as representing one Affiliated Member at any one time, and such registration shall have the effect of making that Club Member a first claim member of the Affiliated Member by whom he is so registered.

The Secretary General should sign and date the Register on receiving the application together with the correct application fee, which date should then become the date of application of the applicable Club Member.

#### 5.2 Manner of Registration:

- (i) Application for registration shall be made to the Federation on a form (prescribed by the Council from time to time) provided for that purpose and lodged by the secretary of the Affiliated Member applying for registration of its Club Member, which form shall be signed by the Club Member indicating his or her membership and consent to represent such Affiliated Member.
- (ii) Registration of a Club Member, once accepted, will continue for the current Aquatic Season only.
- (iii) A Club Member may apply for re-registration as a first time member of another Affiliated Member from time to time, provided that fresh application is made to the Federation on a new form lodged by the secretary of the Affiliated Member to whom he or she is transferring, together with a clearance of good standing from the Affiliated Member from which the Club Member is seceding.

In the event of an Affiliated Member refusing, without good reason, to issue such clearance, the Exco may approve of such re-registration, provided it has satisfied itself that the Club Member is in good standing.

#### 5.3 Effect of Registration:

The Club Member shall only be entitled to compete in an Gala held under the auspices or rules of the Federation if that Club Member has been registered as above for a period of seven (7) days before the date of the Competition and shall only be entitled to compete in the Namibian National Championships if the Club Member has been registered as above for a period of ten (10) days before the date of such Namibian National Championships.

#### 5.5 Registration Fees:

Registration fees as determined by Exco once a year before the AGM and advised of at the AGM will be levied against all Club Members of Affiliated Members. These registration fees are due and payable annually and for each Aquatic Season and then on or before such date as the AGM may determine from time to time. Those participating in closed school events only shall be exempted from registration payment of such fee.

## 6. AGE LIMITS

In all Competitions where an age limit is fixed by the Council, the age group of the Club Member shall be his/her age on the first day of the commencement of that Competition.

## 7. RECORDS

- 7.1 All records must be approved by Exco on the form issued for that purpose by Council or failing which, in writing.
- 7.2 All records must be established in a 50m (fifty) ("**Long Course**") or 25m (twenty-five) ("**Short Course**") pool (only metre records will be recognised).
- 7.3 Unless electronic time keeping is applicable, the record time shall be taken by three timekeepers appointed or approved by Exco and they shall start their watches when the starting signal is given. When two watches agree, that shall be the accepted time, but if all watches disagree, that time recorded by the middle watch shall be accepted. The Starter or some other responsible official may inspect the watches used, record the times and publicly announce them.
- 7.4 If approved a certificate will be issued for a record broken in either age group or open Gala.
- 7.5 Four tables of records shall be kept by the Recorder:
- (i) The Namibian Open Record set by a Club Member who is a Namibian citizen and registered with the Federation. Age of the Club Member does not play a role in setting a Namibian Open Record;
  - (ii) The Namibian Age Group Record set by an age group Club Member who is a Namibian and registered with the Federation. The age of the Club Member must correspond to the age group for which the record is set;
  - (iii) Namibia Aquatic Sports Federation Record set by any Non-Namibian citizen registered with the Federation through an Affiliated Member provided that the record must be faster than the Open or Age Group Namibian Record.
  - (iv) Namibian Visitors Record set by any Non-Namibian citizen not registered with the Federation swimming in any Gala of the Federation at any venue inside Namibia and provided that the record must be faster than the Open or Age Group Namibian Record.

The above four tables of records shall be kept by the Secretary General for both the Long Course and Short Course events.

A Namibian Open Record may be established in any Gala at any venue (be it inside or outside Namibia).

A Namibian Age Group Record may be established in any Federation sanctioned age group Gala or open competition at any venue (be it inside or outside Namibia).

A Namibia Aquatic Sports Federation Record may be established at any venue (be it inside or outside Namibia).

A Namibian Visitors Record may only be established by any Non-Namibian citizen, who is not registered with the Association, swimming in any Gala at any venue inside Namibia.

7.6 Four Club Members of relay teams must be from the same Affiliated Member or a National Team.

7.7 Any Record established outside of Namibia shall be ratified by the Exco only if relevant clearance documentation was duly obtained by the athlete beforehand.

## 8. REPRESENTATIVE MATCHES

Competitions arranged by the Exco or Council ("**Representative Fixture**") shall take precedence over other fixtures.

## 9. REPRESENTATIVE FIXTURES

When a Representative Fixture takes place on the same date as an ordinary club fixture, any Club Member selected to represent the Federation who is unable to attend the applicable Representative Fixture will be barred from representing his Affiliated Member on that day, unless good and sufficient reason be given to the Exco why representative selection is unacceptable.

## 10. REPRESENTATIVE PERSON

Club Members chosen to represent the Federation who, without good and sufficient reason, refuse to comply with the arrangements of the Federation for attending such Competitions, shall be guilty of misconduct and any Affiliated Member or other Club Member thereof proved to have encouraged or instigated such the first mentioned Club Member to commit a breach of this rule shall be deemed guilty of a similar offence and dealt with accordingly.

## 11. DRUG TESTING

Every Club Member, competing in any Aquatic Discipline, consents to submit to drug testing when called upon to do so by an authorised official and furthermore agrees for the Federation to forward his name and such other details as may be required to any one or more Drug governing body or institution.

## 12. SELECTION TO A NAMIBIAN NATIONAL TEAM

Any Club Member duly registered with the Federation through a Namibian Affiliated Member, who intends to train and/or compete outside the borders of Namibia for any period of time, and who wants to be eligible for selection to a Namibian Team, shall:

- 12.1 be a Namibian citizen;
- 12.2 abide by World Aquatics rules;
- 12.3 may only and exclusively compete at any Gala as a Namibian citizen, the fact of which the Club Member shall inform the organisers of the event of;
- 12.4 must participate in at least one Gala under the auspices of the Federation in the Aquatic Season immediately preceding the selection of the applicable Namibian Team; and
- 12.5 must abide by the provisions of the Act.

A Club Member, who is also registered with a foreign club under FINA rules, shall provide the Federation with the full name and address of the foreign club.

Should it come to the knowledge of the Federation that any Club Member participated at any Competition under the nationality other than the Namibian nationality, he/she will immediately forfeit his/her membership rights and will not be considered for selection to any Namibian Team.

## 13. TECHNICAL & EVENT ORGANISING COMMITTEE AND OFFICIATING AT GALAS

The Technical and Event Organisers shall:

- 13.1 assure a fair and pro-rata distribution of officials allocated from the Affiliated Members (according to the quotas determined by Exco in the manner hereinafter provided from time to time) to officiate at Galas. The quota as determined by Exco shall, as far as practically possible, ensure that the number of officials representing each Affiliated Member at a Gala expressed as a percentage of all the officials officiating at the applicable Gala shall, be equal to that Affiliated Member's total Club Members expressed as a percentage of the total Club Members of all Affiliated Members, provided that each Affiliated Member shall avail at least one (1) official for each Gala;
- 13.2 indicate the function of each and every official so decided on, for instance, time-keepers, style judges etc.;
- 13.3 inform the Secretary General about the allocation of the number of officials per Affiliated Member. This should be done for every Gala;
- 13.4 inform the secretaries of the Affiliated Members of the requirements for officials from the specific Affiliated Member, determined in accordance with the provisions of paragraph 13.1;

13.5 make sure that there are enough stand-by officials should a situation as stated in paragraph 14 occur.

14. PENALTIES

Exco may impose a N\$ 1000.00 official penalty on any Affiliated Member for every official of that Affiliated Member who was required to officiate at a Gala but failed to show up or for not providing the number of officials it was required to provide in terms of paragraph 13.1.

15. REVOCAATION

All previous by-laws with regard to the allocation of officials officiating at galas are repealed.



**CONDITIONS AND BY-LAWS FOR SWIMMING COMPETITIONS**

**(A) Namibia Open Swimming Championships**

Capitalised terms used in these by-laws, shall have the meaning ascribed thereto in the Constitution of the Federation and in so far as there is any conflict between the provisions of these by-laws and that of the Constitution, the provisions of the Constitution shall prevail.

The following general conditions shall apply to the Open Championships forming part of the Namibian National Championships and (except no. 2) to the Team Races:

1. The championship shall be open to all amateurs who have been registered Club Members for a period of at least ten (10) days before the date on which the Open Championship will be held.
2. The Open Championship will be held annually once during each Aquatic Season and may coincide with the Junior Championship, notwithstanding which it will be a separate Competition. The Short Course Championships will likewise be held annually once during each Aquatic Season.
3. All competitors shall wear World Aquatics approved apparel.
4. Winner is to receive a suitably inscribed Gold Medal; second – a Silver Medal; third – a Bronze Medal.

If there is less than four swimmers for any event, awards will only be handed out when the said swimmers have completed the full distance or the particular event in the qualifying time as laid down from time to time by the Council.

5. Rules and technical aspects governing such a Competition will be as outlined by World Aquatics.
6. Entries, accompanied by the prescribed fee, shall be made on the prescribed form and must reach the Secretary General/Recorder not later than ten (10) days before the date of the applicable Open Championship.

The best current time of the swimmer shall be indicated on the entry form for heat allocation. These times are to fall within the standard qualifying times for the Namibia National Championships. Times are fixed at an “AAA” for the age of thirteen (13) years or as laid down by the Exco for the longer distances. The Exco may allow additional swimmers to compete on merit in the Open Championship.

7. The holder of each trophy awarded at the previous Open Championship shall return the trophy to the Secretary General on or before the date specified by the Secretary General in a communication to the Affiliated Members.

Such trophy shall be returned in the same condition as when it was awarded at the preceding Open Championship.

If not, the trophy holder – or if a minor, his/her parent/guardian – shall be liable for all costs in restoring the trophy.

Failing to comply with the deadline mentioned above, the holder shall be levied with a fine of N\$100.00 per day per trophy.

8. The Programme for Open Championship shall be:

50m, 100m, 200m, 400m and 1500m freestyle	MEN
50m, 100m, 200m, 400m and 800 freestyle	WOMEN
100m and 200m Breaststroke	MEN
100m and 200m Breaststroke	WOMEN
100m and 200m Butterfly	MEN
100m and 200m Butterfly	WOMEN
200m and 400m Individual Medley	MEN
200m and 400m Individual Medley	WOMEN
4 x 100m Medley Relay	MEN
4 x 100m Medley Relay	WOMEN
4 x 100m and 4 x 200m Freestyle Relay	MEN
4 x 50m and 4 x 100m Freestyle Relay	WOMEN
4 x 50m Freestyle Relay	MEN

9. Scratching:

- (a) Scratching on the day of the race will result in the swimmer being excluded from any subsequent event during that day.

- (b) Should a swimmer fail to report for a race, the swimmer shall be excluded from any subsequent event during that day.
- (c) The exclusion mentioned in paragraphs (a) and (b) shall not apply to relay races.
- (d) Presentation of medical certificate or good cause shown will overrule paragraphs (a) and (b) above.

### (B) Namibian Junior Championships

1. Open to all amateurs, who have been registered Club Members for a period of at least 10 (ten) days before the date on which the Junior Championships will be held.
2. The Junior Championship will be held annually once during each Aquatic Season and may coincide with the Open Championship, notwithstanding which it will be a separate Competition;
3. Club Members partaking in the Junior Championships must be 16 (sixteen) years of age or younger on the date of the Competition in the Aquatic Season in which the Competition is held.
4. All competitors shall wear World Aquatics approved apparel.
5. Entries, accompanied by fee, and the date of birth of swimmer, must reach the Secretary General/Recorder of at least 10 (ten) days before the date of Competition.
6. The Team Races will be open to teams, of which the four Club Members should belong to the same Affiliated Member or be Individuals Members.
7. Winner is to receive a suitably inscribed Gold Medal; second – a Silver Medal; third – a Bronze Medal.
8. The programme for the Junior Championship to be decided upon by the Exco.
9. In individual events a swimmer may enter in his/her own age group or any age group higher, but he/she may enter in one age group only.
10. In relay events a swimmer may swim either in his/her own age group or one higher age group irrespective of the age group in which he/she swam in the individual events.

### (C) Age Group Swimming Competitions

1. All National Age Group Competitions shall be run according to the By-Laws as set down by the Council, failing which shall be governed by the by-laws governing the Junior Championship.
2. The Exco can draw up or approve of other age group Competitions during the Aquatic Season. These Competitions will be run in accordance with the laws and by-laws as set down under (D) below.

### (D) Swimming Laws

The conduct of swimming Competitions as well as the officiating of such, i.e. duties of officials, rules on strokes, drawing of heats and the race itself, shall be according to the World Aquatics Swimming Rules and By-Laws.

### (E) Namibian Junior Swimming/Diving Competition for Primary School Pupils

1. Swimmers/Divers need not be Club Members.
2. To be held annually during each Aquatic Season.
3. Only pupils of Grade 1 - Grade 7 (both grades included) may participate.
4. The team races will be open to teams of which the four members should be pupils of the same school.
5. Entries, accompanied by the applicable fee, and date of birth of swimmers/divers, must reach the secretary of the promoting body at least 14 days before the date of the Competition.
6. The entry fee shall be as defined by the promoting body.
7. All competitors shall wear regulation apparel.
8. To avoid conflict, the By-Laws and Constitution of the Association shall be observed.
9. The winner of each event to receive a gold medal; second – a silver medal; third – a bronze medal. All finalists receive certificates.

10. The winning school or college shall be presented with a trophy of the Federation suitably engraved and a certificate; the second with a smaller trophy than that of the winning school, suitably engraved and a certificate; the third with a certificate.
11. The Secretary General shall make the programme available before the Competition is to take place.

#### (F) Namibian Senior Swimming/Diving Competition for High School Pupils

1. Swimmers/divers need not be Club Members.
2. To be held annually during each Aquatic Season.
3. Only High School pupils (from Grade 8 and upward) may participate.
4. The team races will be open to teams, of which the four members should be pupils of the same school or college.
5. Entries, accompanied by the applicable fee, and date of birth of swimmers/divers, must reach the secretary of the promoting body at least 14 days before the date of the Competition.
6. The entry fee shall be as defined by the promoting body.
7. All competitors shall wear regulation apparel.
8. To avoid conflict, the By-Laws Constitution of the Federation shall be observed.
9. The winner of each event is to receive a gold medal; second – a silver medal; third – a bronze medal. All finalists receive certificates.
10. The winning school or college shall be presented with trophy of the Federation suitably engraved with a certificate; the second with a smaller trophy than that of the winning school, suitably engraved and with a certificate; the third with a certificate.
11. The Secretary General shall make the programme available before the Competition is to take place.