

To Whom it Concern:

Attached hereto a copy of **section 13** of the above-mentioned Act which regulates the manner in which disputes in sport (and in your Federation for that matter) must be addressed by all involved extensively.

Our Department is debarred to interfere in sports disputes in federation as a general and principal rule and may **only in highly exceptional cases** intervene in a sports dispute hence we may not become involved with the dispute with your Federation.

This means you will have to exhaust **all your remedies** (appeals, etc.) in terms of the constitution of your Federation in accordance with terms 13(1) of the Act. **Only after** such a point of exhaustion had adequately and satisfactorily been reached, may you refer the dispute to SASCOC in terms of section 13(2) of the Act that must endeavor to resolve the matter once and for all within a reasonable time.

I trust the above-mentioned response will be of some assistance.

Kind regards

GIDEON BOSHOFF
SPORT AND RECREATION SA

13 **Dispute resolution**

(1) (a) Every sport or recreation body must, in accordance with its internal procedure and remedies provided for in its constitution, resolve any dispute arising among its members or with its governing body.

(b) The sport or recreation body must notify the Minister in writing of any dispute contemplated in paragraph (a) as soon it become aware of such dispute.

[Sub-s. (1) substituted by s. 13 (a) of Act 18 of 2007.]

(2) (a) Where the dispute cannot be resolved in terms of subsection (1), any member of the sport or recreation body in question who feels aggrieved, or the sport or recreation body itself, may submit the dispute to the Sports Confederation.

(b) The Sports Confederation must notify the Minister in writing of any dispute submitted to it in terms of paragraph (a).

[Sub-s. (2) substituted by s. 13 (b) of Act 18 of 2007.]

(3) The Sports Confederation must, in relation to any dispute referred to in subsection (1) or (2)-

- (a) notify the relevant parties of the allegations;
- (b) invite the parties to make representations to it;
- (c) convene where necessary an inquiry into the dispute; and
- (d) in accordance with the provisions of the Promotion of

Administrative Justice Act, 2000 (Act 3 of 2000), notify the parties of the decision.

[Sub-s. (3) substituted by s. 13 (c) of Act 18 of 2007.]

(4) The Sports Confederation may, at any time, of its own accord, cause an investigation to be undertaken to ascertain the truth within a sport or recreation body, where allegations of-

- (a) any malpractice of any kind, including corruption, in the administration;
- (b) any serious or disruptive divisions between factions of the membership of the sport or recreation body; or

[Para. (b) substituted by s. 13 (e) of Act 18 of 2007.]

(c) continuation or maintenance of any institutionalised system or practice of discrimination based on gender, race, religion or creed, or violation of the rights and freedoms of individuals or any law, have been made, and may ask the Minister to approach the President of the Republic to appoint a commission of inquiry referred to in section 84 (2) of the Constitution.

[Sub-s. (4) amended by s. 13 (d) of Act 18 of 2007.]

(5) (a) Subject to paragraph (b), the Minister may, after consultation with the relevant MEC if applicable, intervene-

- (i) in any dispute, alleged mismanagement, or any other related matter in sport or recreation that is likely to bring a sport or recreational activity into disrepute; or
- (ii) in any non compliance with guidelines or policies issued in terms of section 13A or any measures taken to protect or advance persons or categories of persons, disadvantaged by unfair discrimination as contemplated in section 9 (2) of the Constitution,

by referring the matter for mediation or issuing a directive, as the case may be.

(b) The Minister may not-

(i) intervene if the dispute or mismanagement in question has been referred to the Sports Confederation for resolution, unless the Sports Confederation fails to resolve such dispute within a reasonable time; and

(ii) interfere in matters relating to the selection of teams, administration of sport and appointment of, or termination of the service of, the executive members of the sport or recreation body.

(c) If a national federation fails to adhere to a decision of the mediator or directive issued by the Minister as referred to paragraph (a), the Minister may-

(i) direct Sport and Recreation South Africa to refrain from funding such federation;

(ii) notify the national federation in writing that it will not be recognised by Sport and Recreation South Africa; and

(iii) publish his or her decision as contemplated in subparagraphs (i) and (ii) in the Gazette.

[Sub-s. (5) added by s. 13 (f) of Act 18 of 2007.]

(6) Before issuing a directive under subsection 5 (a) the Minister must, by written notice -

(a) notify the relevant parties of the allegations and of his or her intention to issue a directive; and

(b) give the parties a reasonable opportunity to respond to the notice.

[Sub-s. (6) added by s. 13 (f) of Act 18 of 2007.]

(7) The Sports Confederation must, on request by the Minister, submit its recommendations for the resolution of the problem contemplated in subsection (5) (a).

[Sub-s. (7) added by s. 13 (f) of Act 18 of 2007.]

(8) Subject to the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), and without derogating from the rights of the affected parties, a decision taken in terms of subsection (5) shall be binding on the parties.