

Kgabo Matjane - Re: Fwd: Advocate Pullinger's Report: Van Rensburg v SASAFF & WPSAFF

From: Gideon Boshoff
To: Kgabo Matjane
Date: 2015/09/25 02:12 PM
Subject: Re: Fwd: Advocate Pullinger's Report: Van Rensburg v SASAFF & WPSAFF
Attachments: DISPUTES IN SPORT.doc

Hi KGABO

I tried to make contact with DAVID BECKER, however, to no avail at this point in time, but have left a message on his cell phone.

In terms of section 13(5)(b)(i) and (ii) of the NSR ACT respectively (please see extract attached hereto), the Minister (or SRSA for that matter) may not -

- 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
- 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.

This dispute has initially been referred to SASCOC. The latter subsequently opted to appoint an independent advocate to investigate this matter with a view to make a finding and to submit his recommendations to SASCOC in the above regard.

After receiving the advocate's report (which evidently was in the favour of Mr. VAN RENSBURG who is DAVID BECKER's client), SASCOC has apparently not taken any decision in this regard, but merely decided to refer the matter to the Minister.

Given the fact that the said advocate has been appointed by SASCOC with the objective to investigate the matter and to submit his findings and recommendations to SASCOC (which the advocate did) so as to put SASCOC in a position to take an informed decision, it follows that SASCOC must indeed take a decision to resolve the matter.

The Minister (or SRSA for that matter) is clearly debarred in terms of section 13 of the Act to intervene in the above regard as –

- the dispute had already been referred to SASCOC;
- SASCOC has already received the findings and recommendations of the advocate mandated by them to investigate and furnish them with his report on this dispute;
- SASCOC must apply its mind and take a decision based on the findings and recommendations of the advocate in order to resolve the dispute; and
- the dispute apparently relates to the administration of the sport.

Any intervention by the Minister (or SRSA for that matter) at this point in time, shall be regarded as an interference and, therefore, illegal, null and void and *ultra vires* in terms of section 13 of the Act.