

REPUBLIC OF SOUTH AFRICA

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# **SOUTH AFRICAN SPORTS COMMISSION ACT REPEAL BILL**

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*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill  
published in Government Gazette No 26477 of 25 June 2004)  
(The English text is the official text of the Bill)*

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(MINISTER OF SPORT AND RECREATION)

[B 13—2005]

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# BILL

**To provide for the disestablishment of the South African Sports Commission and for the transfer of its assets and liabilities; to repeal the South African Sports Commission Act, 1998; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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<b>Definitions</b>	<b>10</b>
1. In this Act, unless the context indicates otherwise—	
“ <b>Commission</b> ” means the South African Sports Commission established by section 3 of the South African Sports Commission Act, 1998 (Act No. 109 of 1998);	
“ <b>Department</b> ” means the Department responsible for sport and recreation at national level;	15
“ <b>Minister</b> ” means the Minister responsible for Sport and Recreation in the Republic;	
“ <b>Public Finance Management Act</b> ” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);	20
“ <b>South African Sports Confederation and Olympic Committee</b> ” means a juristic non-governmental sports body with legal personality consisting of the following founding constituent components:	
(a) the Olympic national federations;	
(b) the Commonwealth national federations;	25
(c) school sport;	
(d) tertiary institutions sport;	
(e) the national federations catering for athletes with disability;	
(f) the All Africa Games national federations; and	
(g) other national federations.	30

### Disestablishment of Commission

2. The Commission established by section 3 of the South African Sports Commission Act, 1998 (Act No. 109 of 1998), is hereby disestablished.

### Transitional provisions

3. (1) When this Act takes effect—

- (a) all assets, rights, liabilities and obligations of the Commission are vested in the Department without formal transfer and without payment of any transfer duties, stamp duties, fees or taxes; 5
- (b) all the employees of the Commission must be transferred to the Department in accordance with section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) with retrospective effect to 1 April 2005.

(2) The Commission must, before its assets and liabilities are transferred in terms of subsection (1), comply with section 54 of the Public Finance Management Act. 10

(3) Section 42 of the Public Finance Management Act applies when the assets and liabilities referred to in subsection (1) are transferred to the Department.

(4) The Chief Executive Officer and the board of the Commission, as the accounting authority of the Commission, are responsible for the finalisation of all matters of the Commission in accordance with the Public Finance Management Act. 15

(5) The Registrar of Deeds must make the necessary entries or endorsements for the transfer of any property contemplated in subsection (1), and no office fee or other charge is payable in respect of that entry or endorsement.

(6) For the purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), no change of employer must be regarded as having taken place when the employees contemplated in subsection (1) take up employment at the Department. 20

### Repeal of laws

4. (1) Subject to section 3, the laws mentioned in the second column of the Schedule are hereby repealed.

(2) Anything done under any provision of the law repealed and which could have been done under this Act, is deemed to have been done under this Act. 25

### Short title

5. This Act is called the South African Sports Commission Act Repeal Act, 2005, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

**SCHEDULE***(Section 4)*

<b>No. and year of Act</b>	<b>Short title</b>	<b>Extent of repeal</b>	
Act No. 109 of 1998	South African Sports Commission Act, 1998	The whole	5
Act No. 33 of 1999	South African Sports Commission Amendment Act, 1999	The whole	10
Act No. 57 of 1999	South African Sports Commission Second Amendment Act, 1999	The whole	15
Act No. 7 of 2001	South African Sports Commission Amendment Act, 2001	The whole	

## **MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN SPORTS COMMISSION ACT REPEAL BILL, 2005**

### **1. OBJECTS OF BILL**

The objects of the Bill are to—

- (a) disestablish the South African Sports Commission (hereinafter referred to as the Commission);
- (b) provide for the transfer of all the employees of the Commission as well as the transfer of its assets and liabilities to the Department responsible for Sports and Recreation at national level; and
- (c) repeal the South African Sports Commission Act, 1998.

### **2. IMPLICATIONS FOR PROVINCES**

None.

### **3. DEPARTMENTS AND OTHER BODIES CONSULTED**

The following Departments and bodies were consulted:

- National Treasury
- The Department of Justice and Constitutional Development
- The South African Sports Commission
- The Department of Public Service and Administration
- The Department of Labour
- Public Servants Association
- Nehawu and
- All sport and recreation federations.

### **4. FINANCIAL IMPLICATIONS FOR STATE**

In order to give effect to the transfer of staff from the Commission to the Department, an amount of R3 million has been made available as recommended by the Medium-Term Expenditure Committee (MTEC). No separate budget has been allocated to the Commission for the 2005/06 financial year. The Department is responsible for the payment of staff transferred to the Department with effect from 1 April 2005.

### **5. CONSTITUTIONAL IMPLICATIONS**

None.

### **6. PARLIAMENTARY PROCEDURE**

6.1 The State Law Advisers and the Department of Sport and Recreation are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution, since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

6.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.