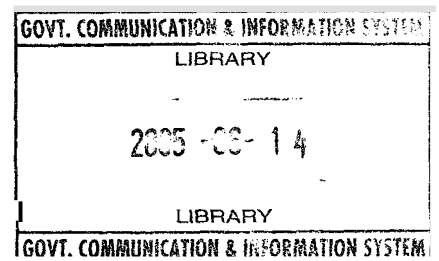


REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN SPORTS COMMISSION ACT REPEAL BILL

*(As amended by the Portfolio Committee on Sport and Recreation
(National Assembly))
(The **English** text is the official text of the Bill)*

(MINISTER OF SPORT AND RECREATION)



[B 13B—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.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

1. Definitions	
2. Disestablishment of Commission	5
3. Transitional provisions	
4. Repeal of laws	
5. Short title	
Schedule	
Definitions	10
1. In this Act, unless the context indicates otherwise—	
“ Commission ” means the South African Sports Commission established by section 3 of the South African Sports Commission Act, 1998 (Act No. 109 of 1998);	
“ Department ” means the Department responsible for sport and recreation at national level;	15
“ Minister ” means the Minister responsible for Sport and Recreation in the Republic;	
“ Public Finance Management Act ” means the Public Finance Management Act, 1999 (Act No. 1 of 1999).	20
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—	25
(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;	
(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.	30
(2) Section 42 of the Public Finance Management Act applies when the assets and liabilities referred to in subsection (1) are transferred to the Department.	

(3) 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.

(4) 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. 5

(5) 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.

Repeal of laws

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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.

Short title

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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)**

No. and year of Act	Short title	Extent of repeal	5
Act No. 109 of 1998	South African Sports Commission Act, 1998	The whole	
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

1. BACKGROUND

After South Africa's less than satisfactory performance in the Olympic Games in Sydney in 2000, it was decided to investigate the impediments to higher levels of achievements by our country's athletes and representative teams. A report with wide-ranging recommendations was produced, many of which required significant resources to implement.

A recurring theme throughout the report concerned the dysfunctional fragmentation of governance structures in sport and recreation in South Africa that contributed to the duplication and replication of functions with concomitant, wasteful expenditure, dysfunction and confusion for athletes who had to troop from one regimen to the next as they prepared for participation in various international sporting events. It recommended that the sports governance structures be rationalised, a proposal that aligned very well with the first priority in the policy document of Sport and Recreation South Africa (SRSA), the "White Paper on Sport and Recreation".

Cabinet endorsed the recommendations on 25 June 2003 that proposed the establishment of only two governance structures for sport and recreation in South Africa, namely, an expanded Department of Sport and Recreation and a new, non-governmental umbrella structure. A Steering Committee was appointed to implement the Cabinet decision and a Monitoring Committee, chaired by the Minister of Sport and Recreation, was appointed to oversee its work. The Committees consulted widely and inclusively and the decision to implement the Cabinet decision was supported unanimously to establish the new structure in two General Assemblies. The non-governmental structure has since been incarnated in the form of the South African Sports Confederation and Olympic Committee (SASCOC). SASCOC will take responsibility for South Africa's high performance sports programme, while the expanded Department will take responsibility, primarily, for grassroots, mass-based, community-oriented sport and recreation activities upon which it has already embarked.

SASCOC has been established and launched, its Board and Chairperson have been elected, and its CEO has been appointed. It is in the process, currently, of recruiting staff. The expanded SRSA has to do the same in order to fulfil its expanded mandate, hence the need for the Repeal Bill to be passed.

The SASC Act Repeal Bill is intended to facilitate the incorporation of the functions and staff of the SASC into the expanded SRSA. The functions and staff of the SASC can only be transferred once the SASC Act has been repealed and the governance of sport and recreation can be regularised.

2. OBJECTS OF BILL

The objects of the Bill are therefore 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.

3. IMPLICATIONS FOR PROVINCES

None.

4. 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.

5. 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.

6. CONSTITUTIONAL IMPLICATIONS

None.

7. 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.