



# WESTERN CAPE

## PROVINCIAL SPORT CONFEDERATION

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### **2014.12.02**

Minutes of the Special Meeting with Western Cape Provincial Sport Confederation and its membership that will was held on Saturday 6 December 2014 at 10:00 at the Western Cape Sports School, Nooiensfontein Road, Kuilsriver.

### **AGENDA**

1. Opening & Welcome was by Mr G Munro.
  - Thanked all for attending the meeting at short notice.
  - Explained the seriousness of the meeting to call it at such short notice. This was in response to the correspondence between SASCOC, National Federations (NF's) and The WCPSC leading to the planned meeting by SASCOC in Cape Town on 13 December 2014 to elect a new Interim WCPSC.
  - Unpack the current status and possible reasons for SASCOC's actions.
  - Establish the way forward for the organisation.
2. Apologies
  - Shela Lekakala( Vice President), Jenny (Modern Pentathlon), Sharon Siljeur (WPSC), Desmond Speelman ( Eden SC) , Abrie De Swart ( Chair Coaches Commission), Johan Muller( West Coast SC) and Herman Lourens ( Wrestling)

### **3. Current status of WCPSC and SASCOC**

G Munro

#### 3.1 Correspondence tabled:

- 28.12.2014 SASCOC office on behalf of its Board notified NF's that WCPSC's membership of its organisation has been terminated.
- 01.12.2014 – WCPSC responded and requested more information and a meeting with SASCOC.
- 03.12.2014 – SASCOC communicated to confirm the restructuring of WCPSC.
- 4.12.2014 – WCPSC declared a Dispute with SASCOC.
- 5.12.2014 – SASCOC confirmed that they will continue with the meeting 13.12.2014 and will not entertain the dispute.

WC Softball accepted the correspondence as read and received and was seconded by WC Fitness and Aerobics



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### **3.2 WCPSC meeting with MEC:**

- WCPSC MANCO indicated to the MEC that WCPSC has no skeletons and has not been officially informed of its membership terminated.
- WCPSC was given no explicit reasons of its defiance or transgressions.
- This may be as a result of the following three matters: WC Karate, Boland Sports Council and WECSA.
- A report and minutes of this meeting to be submitted to the MEC on Monday 08.12.2014

### **3.3 Issues that may be the cause:**

#### **1. WC KARATE by Goliath Munro**

- SASCOC sent Mr Mubarak to restructure at a meeting held in Cape Town in April 2013
- Separated full, semi and traditional disciplines
- Registered semi contact clubs to Karate SA and these formed the membership upon which this structure was formed.
- This process marginalised the other disciplines and not all parties for the semi contact were invited to the meeting.
- Currently there are two Karate structures in WP and Boland as a result of this process.
- WCPSC has requested meetings on numerous occasions to meet with SASCOC and KSA to discuss and legitimise the process.
- To this date, no meeting has been held.
- Therefore is not recognising the current WC Karate Structure.
- Mr Selwyn Rhoda noted that he did not concur on all the points raised by Mr Munro. Mr Munro indicated that the door is open to meet.

#### **2. BOLAND SPORTS COUNCIL by Elton Davids**

- The meeting was held on 7 July 2014 at Boland Cricket Stadium to which the BSC EXCO was also invited to attend. It failed to attend. This was an open meeting chaired by WCPSC President Mr Goliath Munro who dispelled the idea of a witch hunt and was there to provide information. Matters of clarity were sought from the floor on roles and responsibilities of both federations and Sports Councils. Lots of heated debates pursued, with the view becoming clear that the 27 Federations represented were uninformed on a range of matters from capacity building funds, demarcation, and lack of adoption of the last financial report and giving clarity on the David Nel matter.
- The following resolutions were adopted by unanimous vote:
- 4 federation representatives to join WCPSC MANCO and meet with BSC EXCO as determined by this group.
- If BSC EXCO fails to attend, a motion for a "Vote of No Confidence" be tabled followed by an SGM as per the BSC constitution. The minutes reflect this.



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- A meeting was called for 7 August 2014 for the BSC EXCO and the group to meet. BSC EXCO was notified on 16 July 2014 and responded with an unsigned letter on 3 August 2014 asking for the 7 August meeting to be shifted to 20 or 28 August with just the WCPSC MANCO and no federation representatives. The WCPSC MANCO and Federation representatives decided against and continued with the meeting on 7 August 2014. As a result of the non-attendance of the BSC EXCO, an SGM was called within 7 days as per BSC constitution clause 10, specifically 10.3. The meeting was held on 14 August 2014 where 18 federations were present. As per the BSC constitution clause 13 and 15 it met the quorum requirements where a 50 % of the membership makes a quorum. We had 75% attendance. Following the opening remarks and an overview, members voted in favour to continue with the purpose of the meeting. There was a secret ballot where an overwhelming majority voted in favour of the vote of no confidence. This motion was carried.
- This resulted in the following:
  1. The BSC EXCO is no longer valid and have no authority to make any decisions or use any funds.
  2. The bank account signatories need to be amended as soon as possible.
  3. An interim committee consisting of 4 federation members as nominated from the floor.
  4. The DCAS Regional Office manager will be ex officio.
  5. WCPSC MANCO will nominate the Chairperson.
  6. The terms of reference of this committee shall be to:
    - Establish proper communication channels.
    - Bring stability and transparency.
    - Create plans for an AGM.
    - The WCPSC EXCO nominated Elton Davids to chair.

### **3. WECSA by Wayne Weitz**

- Received correspondence on 13 May 2013 from SASCOC to restructure the academy from a business/ entity to a management structure
- 17 May 2013 Board convened and accepted the terms and resolved to restructure and requested more clarity
- There were three amendments which needed to be made: Changed to a management structure, Change leadership from President of Confederation to Vice President and needs to be a Commission of the Federation.
- Feb 2014, the agreement between SRSA and SASCOC was signed and paved the way for implementation.
- An AGM was called to effect the necessary changes there needs to be 5 representatives from the sport sector and 5 from Government.
- In the last academies meeting at SASCOC it was confirmed that WECSA was not in compliance because it had not completed the process under SASCOC supervision.
- WECSA called for a SGM on 28.12.2014 and 29.12.2014 due to lack of quorum and proceeded to change it structure and comply with all SASCOC requests.



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- An invitation was extended to SASCOC who declined to send a representative.
- The only outstanding items are to elect a federation rep and a medical rep.

### Overview of WCPSC democratically elected Commissions:

- Henry Arnold - Farmworkers reported that it is active in all 6 districts and has farmworker sports days.
- JP Naudè - TMC has an active database and works well with the electronic scorecard that was created and functional.
- Amanda Stripp – Women and Girls have an active programme across the province and busy working on a girls camp with SASCOC even though itself doesn't have this commission or even held meetings.
- Wayne Weitz- Coaches commission is alive and active in all 6 districts, linked to SASCOC's PCD programme and have the lowest number of drop outs on the programme nationally.
- Rudi Johannes - DISWEC – active in all 6 districts and is having issues with the Deaf sector but all is well and active.

Mr Munro then explained that there are 11 WC federations have been accepted as members at the last AGM in September. There are 29 federations that are currently going through the process of final details for affiliation at the next AGM in February 2015.

### General discussion

- Mr Cowley: In the old SACOS days: 'No normal sport in an abnormal society'
  - SASCOC's processes are flawed based on their Constitution:
1. Article 8.9 is the first contravention...

8.9. Termination of Membership

SASCOC may, by resolution at a General Meeting, with a 2/3rds (two thirds) majority, withdraw the membership contemplated by Articles 8.1 to 8.3 and 8.5 to 8.8 in which event the relevant Member will cease forthwith to be a Member of SASCOC.

2. Article 10.2 WCPSC has complied with all these below



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10.2. The criteria referred to in Article 10.1.1 above shall, in the case of Members referred to in Articles 8.1 to 8.3 and 8.5 to 8.8 include the following requirements:

No Member will be eligible to acquire or to retain membership of SASCOC unless it has a constitution which provides for:

- 10.2.1. open elections of directors and/or officers to be held at periodic intervals of not more than 4 (four) years;
- 10.2.2. no director and/or officer may continue to hold the same office continuously for more than 12 (twelve) years;
- 10.2.3. the establishment of board committees and athletes' commission;

10.2.4. regular annual audited financial statements to be presented to its membership and SASCOC;

10.2.5. the adoption of codes of conduct and the Governance Code for Sport in South Africa as adopted by SASCOC together with best practice relating to governance applicable to South African companies from time to time;

10.2.6. it has complied fully with such provisions of its constitution and has provided proof of such compliance to SASCOC;

10.2.7. the adoption of codes of conduct as envisaged from time to time by the IOC in relation to WADA.



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3. Article 11.3.1.3 – There is no justification in that WCPSC has mismanaged it's affairs

### 11.3. Powers and duties of the Board

The powers of SASCOC shall be exercised by the Board, which will provide responsible leadership to SASCOC based upon an ethical foundation and who shall have specified powers delegated to them by the General Meeting in addition to the general powers and authority herein conferred on the Board and without in any way limiting such powers and authority, shall have the following powers and duties:

- 11.3.1.3. inquiring into the administrative and/or financial affairs of Members, and, where necessary, to recommend corrective measures in this regard, and if these measures are not implemented to take over the administrative and/or financial affairs of the Member until these are placed on a satisfactory footing;



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4. Article 29 in terms of Arbitration process in place but SASCOC is not willing to follow due process

### 29. DISPUTE MECHANISM AND RESOLUTION

29.1. Everybody or individual falling under the jurisdiction of SASCOC shall ensure that any dispute that it has with a body or individual falling under the jurisdiction of SASCOC or any dispute with SASCOC, itself is resolved in accordance with the dispute resolution mechanism set out below.

29.2. The Board shall, prior to each quadrennial General Meeting, nominate, in writing a panel of arbitrators to adjudicate disputes pursuant to Article 29.1 above. The said panel shall consist of not less than four persons who are senior advocates admitted to practice in the Republic or retired judges who previously acted as such (the SASCOC arbitrators).

29.3. All disputes pursuant to Article 29.1 shall be resolved by arbitration to be held before one of the SASCOC arbitrators agreed to by the disputing parties. If the disputing parties are unable to agree upon the nomination of one of the SASCOC arbitrators within five business days of being called upon to do so, the President shall in sole and absolute discretion be entitled to appoint the arbitrator from the SASCOC arbitrators.

29.4. Save for the appointment of the arbitrator in terms of article 29.3 above the arbitration shall be held in terms of the rules and procedures of the arbitration foundation of Southern Africa or its successor, provided that the decision of the arbitrator shall be final and binding upon the disputing parties and on appeal shall be allowed.

29.5. Notwithstanding the foregoing the disputing parties may, by written agreement, refer a dispute pursuant to Article 29.3 above to the Court of Arbitration for Sport (CAS) in accordance with the Code of Sports-Related Arbitration.

29.6. In the circumstances set out in Article 29.5 above it is recorded that the decision of the arbitrator or the decision of CAS, as the case may be, shall be final and binding on all parties in all manners whatsoever.

29.7. Subject to the Constitution of the Republic, and save in circumstances where there is a need for urgent relief of a sort which cannot be obtained through the dispute resolution procedures contemplated by this Article (including the holding of an arbitration as envisaged in Article 29.3, on an urgent basis), no body or individual falling under the jurisdiction of SASCOC shall approach a Court of Law to decide on a dispute it has with a body or individual affiliated to SASCOC or with SASCOC, itself.



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5. Lack of notice period for meetings called with less than 14 days' notice and lack of Agenda for the meeting dated 13.12.2014

Proposed motion:

'Due to the unconstitutional conduct of SASCOC, the WCPSC seeks an URGENT interdict to stop the proposed meeting by SACOC for 13.12.2014 In Cape Town to proceed. Further to this, request all WC federations to abstain from attending that meeting'

The Chair opened the floor for points of clarity:

- Lifesaving: does the WCPSC know of any correspondence from SASCOC that may have indicated that it was in contravention of its protocols?  
Answered by present and past Secretary - they know of no correspondence to this effect. In fact Mr Sam was in Cape Town in November and not mentioned anything that he was unhappy with. All correspondence is sent directly to the President and copied to the secretary so there is always two persons seeing the mail. SASCOC (Hajiera and Patience) attended a meeting at their request with MANCO and all 6 districts sports council reps December last year where matters of unhappiness were discussed.... Re lack of communication from SASCOC house in response to correspondence sent from WCPSC and general update on what's happening in the province. They were complementary of the organisation. The minutes that were taken by Patience were inaccurate. The WCPSC therefore requested a meeting with Mr Sam. 3 dates were proposed and postponed on all occasions eventually they conceded to have a meeting at SASCOC House the night before the AGM. 5 board members of SASCOC met with WCPSC Manco where matters were discussed and it was agreed that WCPSC is in good standing. WCPSC were congratulated for its sterling and excellent work.
- WC Karate SASCOC looking at the negative defiance by the way that karate was restructured. SASCOC confirmed that WC Karate was in good standing yet WCPSC defied them by not acknowledging the legitimacy of WC karate, he also proposed that Federations to attend next week's meeting to hear what SASCOC has to say.
- Mr Cowley-SASCOC has the right to terminate its membership but not to dissolve this organisation; SASCOC has also made contact with various stakeholders to canvas their availability to serve on the interim board.
- WC Gymnastics-Raised concerns that National Federations instructed Regional Federations to attend the meeting, believes that Federations should attend next week's meeting to state their objection to the process and the interim committee.
- WC Netball- Fines it interesting that national federations instructed provincial bodies to attend the national meeting without consultation and the possible link to the "defiance" could be the lack of acceptance of WC Federations.
- WC Softball- This is indicative of a sad state of affairs to whip federations to get locals to a meeting SASCOC are undermining the process by withholding information, as a result of SASCOC



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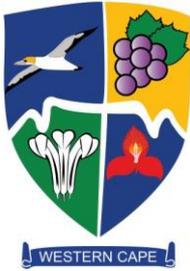
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Curatorship of Softball South Africa, it has yet to have a fully constituted meeting 2 years down the process. We trust that the same will not happen at WC level.

- WC Boxing- There seems to be a miscommunication which is undermining WCPSC from SASCOC. There is a lack of protocol between the two bodies and unfair for SASCOC to make the allegations without providing proof.
- WCPSC-SASCOC cannot dictate to WCPSC the prescripts of membership at WC level, there needs to be a quorum at next week's meeting for voting to take place. National federations shouldn't be instructing district bodies to attend a meeting without information or mandates.
- WC Wushu- Was confused about membership to WCPSC and SASCOC but was grateful to have a meeting with WCPSC to get clarity and advice on establishment.
- Klein Karoo SC- WCPSC did not receive the letter of defiance supports Mr Cowley's proposal and believes the Karate issue needs to be resolved soonest.
- EDEN SC- Raised concerns about attending a meeting next week where no nominees are given and therefore can't vote without a mandate from its constituency. Due to the short notice period this compounds the problem.
- West Coast SC-Supports Mr Cowley's proposal for the interdict and the continued support for WCPSC are unwavering. Delegates need to bear in mind that sport should be the ultimate winner NOT administrators.
- WC Farm Workers- Believes that WCPSC should continue to pursue a meeting with SASCOC to discuss the grievances.
- Chairperson- Sport is a provincial competency as listed in Schedule 5 of the SA Constitution and therefore falls under the MEC's guidance. He will address the MEC of today's proceedings on Monday.
- Mr Cowley- The amended sports bill gives the MEC the right to affect powers and support to Provincial sporting bodies. Federations have been given the facts and now need to advise the national federations of the current status. WC transformation committee is committed to resolving the karate issue as soon as possible.
- WC Gymnastics- Wanted clarity on the way forward regarding the resolution. Answered by the president "That delegates are entitled to vote to accept or reject resolutions".
- WC Lifesaving- How does impact on our Athletes? Answered by president "That the new interim structure will take some time to establish its processes and protocols and ultimately Athletes will suffer. The interdict allows for the current status to prevail.
- WC Gymnastics-Proposed to split the motion into 2, therefore separating the interdict and Federation attendance. Answered "The motion is one and will be voted on" and federations have the democratic right to attend or not.
- WC Karate- Believe that Federation's should decide on their own whether they want to attend or not.



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### **VOTING:**

Vote for: Motion 1 (Cowley) Proposed by Central Karoo SC, Second- WC Boxing, with no objections.

Motion 2 COUNTER PROPOSAL (WC karate) for all federations to attend next week's meeting--No Federations supported this motion.

### **CLOSING:**

Mr Munroe thanked all delegates for their attendance and contribution to this very important debate and discussion. The current EXCO is committed to seeing this process to completion and promises that they will have the WC Federations best interests at heart. He will engage with the MEC and HOD of WC DCAS to plan the way forward.