

ANNEXURE "A"

REGULATION 12: SASCOC CODE OF CONDUCT

1. PREAMBLE:

This code of conduct indicates the standard of behaviour expected of a member of an association. It is a formal statement of the values and ethical standards that guide individuals in sport. It is a set of principles, and norms to which sporting people can be held accountable when representing South Africa at any sporting event. This can also be used as a point of reference when dealing with disciplinary procedures against members

2. INTRODUCTION:

With the number of bad behaviours and illegal actions we have experienced in sport in the past, a mechanism on how to eliminate these actions has been sought. This is why a code of conduct has been drawn up to hold all sports persons accountable for their actions.

3. VALUES STATEMENT:

The Purpose of this code is:

- 3.1. To outline incorrect and unacceptable actions/behaviours within sport and to encourage ethical behaviour within sport, so that when the code is contravened the appropriate disciplinary action can with consistency be taken, thus responding to offences and preventing re-occurrence.
- 3.2. To help to resolve conflict.
- 3.3. To make ethical behaviour infringement easy to identify.
- 3.4. To enhance the ethical reputation of sports persons.
- 3.5. To promote respect for human dignity, rights and social justice.
- 3.6. Provide a framework for all sporting persons to conduct their sporting activities according to the following ethical principles:
 - 3.6.1. Respect the rights, dignity and worth of every human being
 - 3.6.2. Being fair, considerate, honest and respect for the law.

- 3.6.3. Being trustworthy and professional, accepting responsibilities for their action.
- 3.6.4. Refraining from any racial, gender, verbal, physical or emotional abuse or harassment.
- 3.6.5. Always making a positive contribution and refraining from destructive criticism.
- 3.6.6. Always acting in the interest of South African sport.

4. APPLICABILITY:

- 4.1. The code shall apply to any and all participants/players who participate / attend any competition/event, which is held under the auspices of the relevant National Federation, or any of the associations, which are members of, or affiliated to the relevant federation.
- 4.2. The code shall apply to any administrator involved in the administration of the relevant sport at any level within South Africa and who thereby falls under the auspices of that relevant National federation.
- 4.3. The code shall apply to any coach involved in coaching a team/individual for any event/competition, which falls under the auspices of the National Federation.
- 4.4. The code shall apply to any technical official involved in officiating or training at any event/competition which falls under the auspices of the National Federation

5. SUCCESS OF A CODE OF CONDUCT

This code of conduct can only be successful if:

- 5.1. The athletes, officials, coaches and administrators familiarize themselves with the content of the Code.
- 5.2. National federations and macro-bodies frequently refer to the Code of Conduct for guidance.
- 5.3. The code of ethics is included/captured in the national federation's rules/constitution and SASC colour regulations.
- 5.4. Anyone who fails to conform their conduct to the following code of conduct they will be subject to disciplinary action according to their relevant federation's constitution or disciplinary procedures.

6. BEFORE GOING AGAINST THE CODE OF CONDUCT A PERSON SHOULD ASK THE FOLLOWING QUESTIONS:

- 6.1. Is it legal and constitutional?
- 6.2. What does the code of conduct say?
- 6.3. How would it look in tomorrow's newspaper?
- 6.4. Does it comply with the federation's rules and regulations?
- 6.5. How does it make me feel?
- 6.6. Is it against the federations or professional standards?
- 6.7. Will it reflect negatively on my federation or me?
- 6.8. Whom else this could affect?
- 6.9. Would I be embarrassed if others knew I took this course of action?
- 6.10. Is there an alternative action that does not pose an ethical conflict?
- 6.11. What would a reasonable person think?
- 6.12. Can I sleep at night?

7. ADMINISTRATORS

I pledge to:

- 7.1. Do my best to ensure that all athletes are given an equal opportunity to participate, regardless of gender, ability or ethnic background.
- 7.2. Discourage any sport program from becoming primarily an entertainment for the spectators.
- 7.3. Ensure that all equipment and facilities are safe and appropriate to the athlete's ages and abilities.
- 7.4. Make sure that the age and maturity levels of the children are considered in program development, rule enforcement and scheduling.
- 7.5. Remember that participation is done for the athletes own sake and ensure that winning is kept in perspective.
- 7.6. Ensure that the code of ethics / fairplay is distributed, understood and agreed upon by, coaches, athletes, and officials.

- 7.7. Ensure that coaches and officials are capable of promoting fair play as well as the development of good technical skills, and encourage them to become certified.
- 7.8. Promote and develop the game by sharing knowledge and experience.
- 7.9. Administer all issues relating to the sport in the best interest of the sport and not for my personal gain.
- 7.10. Educate and ensure high standards of risk management are maintained.
- 7.11. Educate athletes to respect other cultures and beliefs.
- 7.12. Keep athletes and officials updated on protocol of other countries where they may compete.
- 7.13. Conform to my federation's code of conduct.
- 7.14. Show common courtesy towards participants/players, other administrators, coaches, spectators, technical officials, press and sponsors.
- 7.15. No administrator shall at any time give, make, issue, authorize or endorse any public statement which will have or design to have, an effect prejudicial or detrimental to the best interest of the National Federations or sport in general

8. PLAYERS/PARTICIPANTS

I will:

- 8.1. Respect the rules and play in the spirit of the game.
- 8.2. Display high standards of behaviour that promote a positive image for the game.
- 8.3. Respect my opponents.
- 8.4. Respect the officials and their decisions.
- 8.5. Be gracious in victory and defeat and remember that winning isn't everything.
- 8.6. Give my team-mates positive inputs and feedback.
- 8.7. Compete fairly.
- 8.8. Refrain from the use of profane, insulting, harassing or otherwise offensive language or behaviour on or off the field.
- 8.9. Strive to maintain a sense of self-control and dignity at all times.

- 8.10. Thank officials and opposing teams after every game/match.
- 8.11. Remember to maintain a sense of integrity.
- 8.12. Respect the facilities/equipments.
- 8.13. Do my best to try to be a true team player.
- 8.14. Never advocate or condone the use of drugs or other banned performance enhancing substances.
- 8.15. Reject corruption, drugs, racism, violence and other dangers to the sport.
- 8.16. Help others to resist corrupting pressures.
- 8.17. Denounce those who attempt to discredit the sport.
- 8.18. Honour those who defend the sports good reputation.
- 8.19. To the best of my ability abstain from the use of tobacco products and alcoholic beverages in public when representing my country.
- 8.20. Never provide under age participants with alcohol.
- 8.21. Participate in all team testing and satisfy all team program-testing objectives. (Drug and High Performance)
- 8.22. Communicate and co-operate with registered medical practitioners/testing centre in the diagnoses, treatment and management of medical problems and respect the concerns of these medical people have when they are considering my future health and well being and when they are making decisions regarding my ability to continue to play or train.
- 8.23. Respect other athletes and officials cultures and beliefs.
- 8.24. Conform to my federation's code of conduct.
- 8.25. Show common courtesy towards administrators, coaches, spectators, technical officials, press and sponsors.
- 8.26. No player/participant shall at any time give, make, issue, authorize or endorse any public statement which will have or design to have, an effect prejudicial or detrimental to the best interest of the National Federations or sport in general

9. TECHNICAL OFFICIALS

I will:

- 9.1. Make sure that every athlete has a reasonable opportunity to perform to the best of his or her ability, within the limits of the rules.
- 9.2. Avoid or put an end to any situation that threatens the safety of the athletes.
- 9.3. Strive to maintain a healthy atmosphere and environment for competition.
- 9.4. Not tolerate unacceptable conduct toward officials, athletes, spectators or myself.
- 9.5. Be consistent and objective in calling all infractions, regardless of my personal feelings toward a team or individual athlete.
- 9.6. Handle all conflicts firmly but with dignity.
- 9.7. Accept my role as a teacher and role model for fair play.
- 9.8. Be open to discussion and contact with the athletes before and after the game.
- 9.9. Remain open to constructive criticism and show respect and consideration for different points of view.
- 9.10. Obtain proper training and continue to upgrade my officiating skills.
- 9.11. Consistently display high personal standards and project a favourable image of the sport and officiating.
- 9.12. Uphold the international standards.
- 9.13. To the best of my ability abstain from the use of tobacco products and alcoholic beverages in public when officiating and working with officials and athletes.
- 9.14. Refrain from the use of profane, insulting, harassing or otherwise offensive language or behaviour in the conduct of my duties.
- 9.15. Never advocate or condone the use of drugs or other banned substances.
- 9.16. Conform to my federation's code of conduct.
- 9.17. Show common courtesy towards participants/players, administrators, coaches, spectators, other technical officials, press and sponsors.
- 9.18. No technical official shall at any time give, make, issue, authorize or endorse any public statement which will have or design to have, an effect prejudicial or detrimental to the best interest of the National Federations or sport in general

10. COACHES

I will:

Originator: **Latest Changes by:** **Latest Change Date:** **Version:**
SASCOC / SASACC

Page No. of Total:
Page 6 of 55

- 10.1. Treat everyone fairly within the context of his or her activity, regardless of gender, place of origin, colour, sex, religion, political belief or economic status.
- 10.2. Ensure that confidentiality of players is maintained.
- 10.3. Teach the athletes how to manage conflict and stress and use good judgment in tough situations.
- 10.4. Be generous with praise and give the team positive inputs and feedback.
- 10.5. Encourage a constructive attitude toward competitions.
- 10.6. Provide an equal opportunity for all to learn skills and further themselves.
- 10.7. Encourage individuals to continue their participation in sport.
- 10.8. Be reasonable when scheduling games and practices.
- 10.9. Teach athletes to play fairly and to respect the rules, officials and opponents.
- 10.10. Ensure that all athletes get equal instruction, support and playing time
- 10.11. Not ridicule or yell at my athletes for making mistakes or for performing poorly.
- 10.12. Within the limits of my control I will make sure that equipment and facilities are safe and match the athlete's ages and abilities.
- 10.13. Remember that athletes need a coach they can respect and thereby set a good example.
- 10.14. Obtain the proper training and continue to upgrade my coaching skills.
- 10.15. Refrain from public criticism of fellow coaches, athletes, officials and volunteers especially when addressing the media.
- 10.16. Communicate and co-operate with registered medical practitioners in the diagnoses, treatment and management of the athlete's medical and psychological problems.
- 10.17. Consider the athlete's future health and well being as foremost when making decisions regarding an injured athletes ability to continue playing or training.
- 10.18. Recognize and accept when to refer athletes to another coach or sport specialist, allow the athletes goals to take precedence over my personal goals.
- 10.19. At no time become intimately and/or sexually involved with any athlete.

- 10.20. Never advocate or condone the use of drugs or other banned performance enhancing substances.
- 10.21. Never provide under age athletes with alcohol, or encourage its use.
- 10.22. To the best of my ability abstain from the use of tobacco products and alcoholic beverages in public when officiating and in the presence of the athletes.
- 10.23. Refrain from the use of profane, insulting, harassing or otherwise offensive language or behaviour in the conduct of my duties.
- 10.24. In the case of minors, communicate and co-operate with the athlete's parents or legal guardians, involving them in management decisions pertaining to their child's development.
- 10.25. Conform to my federation's code of conduct.
- 10.26. Show common courtesy towards participants/players, administrators, spectators, technical officials, other coaches, press and sponsors.
- 10.27. No coach shall at any time give, make, issue, authorize or endorse any public statement which will have or design to have, an effect prejudicial or detrimental to the best interest of the National Federations or sport in general.

**PROCEDURE FOR AVOIDANCE AND RESOLUTION OF
DISPUTES AND DISCIPLINARY CODES**

BROAD FRAMEWORK

1. **Definitions**

1.1. Any expression in these rules that is defined in the Constitution of the South African Sports Confederation and Olympic Commission (SASCOC) and Western Cape Shore Angling Association (WCSAA) as amended from time to time has the same meaning as assigned therein unless, inconsistent with or otherwise indicated by the context:

1.2. The following words and phrases that are used in this Procedure shall have the meaning as ascribed to them in below.

1.2.1. "Articles" means the Articles of Association of SASCOC or WCSAA;

1.2.2. "Chairperson" means the chairperson of the Commission or member of the Commission acting as chairperson at a meeting of the Commission where the chairperson is absent or for any reason unable to perform his or her functions;

1.2.3. "Constitution" means the Memorandum, and Articles of Association of SASCOC or WCSAA;

1.2.4. "Commission" means the commission as established in terms of this document for resolution of Disputes and conduct of disciplinary procedures in terms of the Disciplinary Code;

1.2.5. "Disciplinary Code" means the code regulating the discipline of Members and individuals falling under the jurisdiction of SASCOC or WCSAA as contained in Part C of this Dispute and Disciplinary Code Procedure;

1.2.6. "Dispute" means (i) any dispute contemplated to be resolved by SASCOC or WCSAA in terms of the Act or any other applicable legislation; and (ii) disputes contemplated in terms of the SASCOC's or WCSAA's Constitution to be resolved through SASCOC or WCSAA structures;

1.2.7. "Dispute and Disciplinary

- Code Procedures means this document comprising the procedures for dispute prevention and resolution as contemplated in the Constitution for disciplinary code applicable to everybody falling under the jurisdiction of SASCOC or WCSAA;
- 1.2.8. "Dispute Prevention and Resolution Procedures" means the procedures as set out in Part B- Dispute Prevention and Resolution procedures
- 1.2.9. "the Board" means the Board of Directors of SASCOC or Executive committee of WCSAA as contemplated by Article 9 of SASCOC's Articles of Association or WCSAA constitution;
- 1.2.10. "Member" means a Member as contemplated in SASCOC's or WCSAA's Constitution;
- 1.2.11. "Referring Party or Applicant" means any Member who lodges a complaint or Dispute with SASCOC or WCSAA;
- 1.2.12. "Respondent" means a Member against whom a complaint or Dispute a is lodged;
- 1.2.13. "Rules" means these rules as applicable to resolution of Disputes and Disciplinary Code and includes these definitions and any footnote to a rule;
- 1.2.14. "Rules and Regulations" means rules and regulations of SASCOC or WCSAA;
- 1.2.15. "the Act" means the National Sport and Recreation Act, 1997 (Act No.18 of 1997), as amended from time to time and includes any regulation made in terms the Act.
- 1.3. Where a single gender is used in this document it shall be construed as to include both genders. Words used in the singular shall include the word in plural form.
- 1.4. These Rules shall, wherever possible, be construed in conformity with the Constitution; and

1.5. The headings to and any footnotes in these Rules shall be taken into account in the interpretation of these Rules.

1.6. All terms as defined in the Act, SASCOC's or WCSAA's Constitution shall when used in these Dispute and Disciplinary Procedure shall have the same meaning as ascribed to them in such documents.

2. **Object of the Dispute and Disciplinary Procedures**

2.1. Section 13 of the National Sport Amendment Act 18 of 2007 ("the Act") provides amongst others that: -

(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."¹*

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

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

2.2. Clause 25.1 of SASCOC's articles of association provides that " every, body or individual falling under the jurisdiction of SASCOC shall ensure that any dispute it has with a body falling under the jurisdiction of SASCOC is resolved in accordance with the dispute prevention and resolution procedures set out in the Constitution."²

2.3. In light of the aforesaid a Dispute and Disciplinary Code Procedure is hereby established, with the object of implementing a dispute resolution and disciplinary code procedure for adjudication, determination and decision on any disputes or disciplinary matters where it is empowered to do so in terms of the Act and SASCOC's and WCSAA's Constitution.

¹ For purposes of this document ,Section (13)1 is interpreted to be governing disputes between (i) members of a sport and recreation body and (ii) a sport and recreation body and its mother body. In the context of SASCOC it will be dealing with disputes between (i) two National Federations or other members of a National Federation (iii) disputes between members of a National Federation and such National Federation. SASCOC is enjoined by Legislation to provide a procedure in accordance with SASCOC Constitution to resolve such disputes.

3. **Establishment of the Dispute and Disciplinary Code Procedure**

3.1. The Dispute and Disciplinary Code Procedures are hereby established , and provide for;

3.1.1. the Broad framework applicable in respect of the Dispute and Disciplinary Code Procedure;

3.1.2. the recognition of the Legal and Arbitration Commission

3.1.3. the establishment, structure, functions and its role in respect of the Commission in respect of the Dispute Prevention and Resolution of these procedures

1.1.1. the rules and procedure in respect of the proceedings relating to Dispute Prevention and Resolution procedures; and

3.1.4. the procedure for the conduct of disciplinary matters in terms of the disciplinary matters.

4. **Structure of the Procedures**

4.1. The procedure is made up of the following parts :

PART A	BROAD FRAMEWORK
PART B	ESTABLISHMENT AND STRUCTURE OF THE COMMISSION
PART C	RULES FOR THE CONDUCT OF PROCEEDINGS IN RESPECT OF DISPUTES
PART D	DISCIPLINARY CODE
PART E	PRESCRIBED FORMS

PART B - ESTABLISHMENT AND STRUCTURE OF THE COMMISSION

1. **Purpose of Part B- Establishment and Structure of the Commission**

The purpose of this Part of the procedure is to establish the Commission and to set out its role and powers in relation to the resolution of Disputes.

2. **Establishment and Status of the Commission**

2.1. The Commission is hereby established pursuant to the Act, and SASCOC's and WCSAA's Constitution to adjudicate all Disputes and implement the disciplinary code and to amongst others;

2.1.1. take decisions as to such Dispute or disciplinary measures as shall be appropriate in the circumstances, which are not decisions provided to be taken by the SASCOC Board or WCSAA Executive committee in terms of the Constitution.³

2.1.2. make recommendations to the SASCOC Board or WCSAA Executive committee regarding the suspension, fine or termination of membership of any individual as contemplated in clause 9.3.1.5 of the SASCOC Constitution in respect of disciplinary matters;

2.2. The Commission shall be empowered to determine its own rules, procedures and, make any decisions concerning their rules and procedures, to the extent that such rules and procedures are not already contained in these Dispute and Disciplinary Code Procedures.

2.3. The proceedings of the Commission shall not be open to the public, unless Commission orders otherwise.

2.4. The Commission will observe the rules of natural justice but will have discretion regarding admissibility of evidence notwithstanding an enactment or rule of law to the contrary, relating to the admissibility of evidence in proceedings before a court of law where such admission would be appropriate and not unduly unfair or prejudicial to one or more parties to the Dispute or Disciplinary proceedings.

2.5. The Commission has authority, inherent powers and standing, in relation to the matters under its jurisdiction.

2.6. The rules and procedures regulating the functioning of the Commission shall be as set forth in the Dispute and Disciplinary Code.

³ Note in terms of clause 9.3.1.5 of the SASCOC's Constitution the decision to suspend, fine and terminate membership of any individual lies with SASCOC.

3. **Jurisdiction and Powers of the Commission**

3.1. The Commission shall have jurisdiction:

- 3.1.1. over a Member(s) and individual athlete(s), officials, coaches and technical staff in the Republic and abroad wherever they may be at any time engaging in activities under the jurisdiction of SASCOC or WCSAA;
- 3.1.2. in respect of Disputes or alleged Disputes in the Republic and abroad;
- 3.1.3. in respect of any Dispute or complaint referred to it by the Board;
- 3.1.4. over any complaint or allegations, in respect of Members and individuals over whom SASCOC or WCSAA has jurisdiction not otherwise expressly provided for in the Constitution or these rules and includes, a breach of, the Constitution, rules, regulations of SASCOC and WCSAA, directives, code of conduct, an order or instruction of SASCOC and WCSAA, statutes or regulations of IOC; and/or
- 3.1.5. to condone the late delivery of any documents or referral of a dispute or non compliance by a member with the procedures set out in the Dispute Prevention and Resolution Procedure. make any appropriate order.

3.2. A party referring a Dispute or complaint to SASCOC or WCSAA must have exhausted all available internal remedies, as provided for in the constitution or regulations of Member applicable to such a party, as may be applicable to such a Dispute or complaint

3.3. Where such internal remedies of a Member applicable to a party have not been made available or are not accessible to, such a party the Commission will have discretion to allow or refuse to hear the Dispute.

3.4. The Commission shall not have jurisdiction in respect of :-

- 3.4.1. matters in respect of which the referring party or Applicant has not complied with 3.2, in exhausting internal remedies.
- 3.4.2. the Dispute or complaint that has been heard decided or ruled upon by the Commission.

4. **Composition of the Commission**

4.1. The Commission shall be convened by the WCSAA Executive committee or their Legal and Arbitration Commission from time to time to deal with Disputes, complaints or allegations or disciplinary matters referred for resolution by WCSAA and shall consist of: -

4.1.1. the Chairperson of WCSAA and or their Legal and Arbitration Commission or his/her Deputy or another Member of the Legal and Arbitration Commission appointed to chair the proceedings;

4.1.2. one or more Office Bearers of WCSAA and or their Legal and Arbitration Commission as shall be designated by the Chairperson of the Legal and Arbitration Commission;

4.1.3. an independent external person if such person(s) participation is deemed necessary by the Legal and Arbitration Commission, to assist with the adjudication of a Dispute; and/or

4.1.4. the Secretary of the Legal and Arbitration Commission or such other person designated by the Commission shall provide secretarial services to the Commission.

5. **Quorum**

5.1. In order to constitute a Commission for a hearing or consideration of a Dispute at least (3) three members must be present. However in the event that the hearing commences with (3) three members and one (1) Member does not seat through the proceedings to their completion, the decision of the remaining (2) two Members shall not be nullified.

5.2. In circumstances:-

5.2.1. involving resolution of a Dispute in relation to a sporting event taking place outside South Africa and which needs to be resolved during the course of such event; or

5.2.2. other exceptional circumstances as determined by the decision of the Legal and Arbitration Commission,

one Member of the Commission may, initiate and/or constitute a quorum for purposes hearing of a Dispute.

6. **Passing the decisions**

6.1. Decisions are passed either by consensus or a simple majority of the members of the Commission present.

- 6.2. Decision passed by consensus of all members and signed by all the members shall constitute a decision for purposes of 6.1 above even when it is not passed in a meeting.
- 6.3. Decisions passed by votes must be in a meeting of the Commission.
- 6.4. Every member of the Commission present shall be entitled to vote.
- 6.5. All hearings of the Commission will be presided over by a Chairperson, in the absence of the Chairperson, one of the members appointed by the Chairperson to represent him or she shall act as Chairperson.
- 6.6. The Commission may appoint any independent person, with specific specialty, to sit in a hearing if that person may assist the process although that person cannot vote.
- 6.7. The Commission will apply the Constitution of the Republic of South Africa, Constitution of SASCO or WCSAA, Rules and Regulations of SASCO or WCSAA and the peremptory prescripts of the International Olympic Committee.
- 6.8. The Commission may adopt its own procedure (without deviating from Dispute Prevention and Resolution Rules) with the minimum of legal formalities but complying with the principles of natural justice.
- 6.9. The Commission must conduct its proceedings in a fair manner and efficiently with the minimum formalities in compliance with the rules of natural justice.

7. **Conflict of Interest**

- 7.1. Members of the Commission must decline to participate in any hearing where their participation will result in conflict of interest or will raise serious doubts regarding their impartiality. This applies in the following cases (among others) where: -
 - 7.1.1. the member(s) in question has a direct interest in the outcome of the matter;
 - 7.1.2. if he/she is associated with any of the parties;
 - 7.1.3. if he/she is the member of the party in respect of whom a Dispute arose; and
 - 7.1.4. if he/she has already dealt with the case under different circumstances.

- 7.2. Members who decline to participate in a hearing on any of the above grounds or any other ground not listed herein shall notify the Chairman immediately.
- 7.3. Member(s) of the Commission or parties involved in a Dispute may also raise an objection to a member of the Commission that they believe to be biased or whose participation will result in conflict of interest or will raise serious doubts regarding their impartiality.
- 7.4. The Chairman shall decide on any such claim of bias, provided that, if the objection is raised against the Chairman, the other Members shall decide on the bias.
- 7.5. Proceedings that have involved someone whom the Chairman has ordered not to participate will be considered null and void.

8. **Confidentiality**

- 8.1. The members of the Commission shall ensure that everything disclosed to them during the course of their duty remains confidential (facts of the case, contents of the deliberations and decisions taken).
- 8.2. Only the contents of those decisions already notified to the addressees may be made public.

9. **Powers of the Commission**

- 9.1. Upon hearing of a Dispute or implementing the Disciplinary Code the Commission shall have the powers to -
 - 9.1.1. warn or reprimand a party to a Dispute; and/or
 - 9.1.2. recommend a suspension of a Member ;and/or
 - 9.1.3. recommend a fine to be imposed in respect of a Member; and/or
 - 9.1.4. recommend termination of membership of any affiliated individual;
 - 9.1.5. dismiss a complaint or dispute if it is vexatious, frivolous or does not set out a prima facie case or for any grounds as shall be appropriate in law ; and/or

- 9.1.6. make any appropriate order including an order that a party pay the costs the other party.

10. **Supplementary Powers of the Commission**

For purposes of determining or deciding, or resolving a Dispute the Commission may also:-

- 10.1.1. consult or seek further information evidence and/or expert evidence regarding the dispute from the complainant or any person or body, including the Respondent;
- 10.1.2. seek legal or other advice or assistance from any person or body;
- 10.1.3. order any Member to produce documents or information as may be relevant to the Dispute; and/or
- 10.1.4. order any Member to appear in person in respect of a Dispute where such an individual's evidence may be relevant to the Dispute.

11. **Issuing a subpoena**

The Commission may at any stage subpoena any person or body bound by the Constitution or the constitution of that member and these rules to appear before the Commission to, give evidence or produce any book, paper or document in the hearing.

12. **Issuing a subpoena**

12.1. The Commission may at any stage subpoena any person or body bound by the Constitution of SASCO and/or these rules, or the Constitution, to give evidence or produce any book, paper or document in the hearing.

12.2. The Commission may also issue a subpoena at the request of either party, where such request is made in terms of these rules. The requesting party must send a subpoena in a prescribed format⁴ together with a written motivation setting out why the evidence of the person to be subpoenaed is necessary.

⁴ DPRC FORM 4: SUBPOENA PART E.

15.2. If any witness, after being subpoenaed, present at the hearing is required to give evidence at such hearing and refuse to answer any question(s) put to him or her, or refuses or fails to produce any book, paper or document required to be produced by him or her, the Commission may in summary manner enquire into such refusal or failure, and unless the person refusing or failing has a just excuse for the refusal or failure, shall impose a fine not exceeding R 15 000,00 (fifteen thousand rands) over and above any sentence it deems appropriate in accordance with the Constitution and these rules.

15.3. No party other than the Referring party, its representative, the Respondent or called as a witness to appear before the Commission shall be entitled to attend a hearing, except with the permission of the Commission.

16. **Form and Content of the Decision**

The decision or award of the Commission shall contain:-

- 16.1. the composition of the Commission;
- 16.2. the names of the parties;
- 16.3. a summary of the facts;
- 16.4. the legal reasons for the decision;
- 16.5. the terms of the decision; and
- 16.6. be signed by the chairperson and secretary.

17. **Recordings of the Proceedings of the Commission**

17.1. The Secretary must keep a record of –

- 17.1.1. any evidence given in the hearing;
- 17.1.2. any sworn testimony given in any proceedings before the Commission;
- 17.1.3. any award or ruling made by a Commission.
- 17.1.4. any descending judgement(s) which are not part of the award.

17.2. The record may be kept by legible hand-written notes or by means of an electronic recording.

17.3. Any party may request a copy of the transcript of a record or a portion of a record, on payment of the reasonable costs of the transcription.

17.4. After the person who makes the transcript of the record has certified that it is correct, the record must be returned to the Secretary.

17.5. The transcript of a record certified as correct in terms of .13.4 above it is presumed to be correct, unless the Chairperson decides otherwise.

**PART C – RULES FOR THE CONDUCT OF PROCEEDINGS IN
RESPECT OF DISPUTES**

1. **Purpose of Part C- Rules for Conduct of Proceedings in Respect of Disputes**

Purpose of this Part C – Dispute Prevention and Resolution Procedure, is to provide a procedure to prevent and/or resolve any Dispute involving a Member or individual falling under the jurisdiction of SASCO, as contemplated in the Act or the Constitution.

2. **Establishment of the Dispute Prevention and Resolution Procedures**

These Dispute Prevention and Resolution Procedures are established to apply as the dispute resolution procedures contemplated in the Constitution and shall apply in respect to a Dispute, complaint or allegation(s) lodged by a Member or individual over whom SASCO has jurisdiction.

3. **Legal and Arbitration Commission**

3.1. The procedures recognises the existence of the Legal and Arbitration Commission as established by SASCO with the mandate to –

3.1.1. advise and provide recommendations on the formulation of policy documents;

3.1.2. consider and advise on legislation and other regulatory matters which may be of relevance to SASCO;

3.1.3. consider, advise and make recommendation with respect to legal issues brought to it by the President on behalf of the Board and/or the CEO;

3.1.4. advise on Governance matters pertaining to SASCO;

3.1.5. consider matters for arbitration and/or dispute resolution;

3.1.6. make recommendations for the appointment of panels(s) for the purpose of conducting arbitration proceedings; and

3.1.7. advise on matters to be referred for arbitration or litigation.

3.2. Pursuant to its mandate the Legal and Arbitration Commission is entrusted with theout the primary responsibilities of avoidance of disputes and assist with implementation of the Disciplinary Code, which it carries out , *inter alia*, as follows-

- 3.2.1. considering and recommending measures that can be adopted by SASCOC to avoid Disputes;
- 3.2.2. introduce policy documents that can avoid disputes;
- 3.2.3. propose policies, procedure including amendments to these Disputes Prevention and Resolution Procedure, for purposes of dealing with disputes prevention and resolution ;
- 3.2.4. consider Disputes, complaints or allegations as referred to SASCOC as the first point of reference and determine whether-
 - 3.2.4.1. there are possible measures of resolution of such disputes without the need for Arbitration, including dialogue between the parties to a Dispute.
 - 3.2.4.2. consider and recommend where appropriate mediation of disputes as a possible step for resolving the disputes; and
 - 3.2.4.3. consider and recommend possible mediators; and
 - 3.2.4.4. decide on dismissal of a Dispute referred by SASCOC, upon initial consideration on the basis of that is frivolous or vexatious or does not set out a *prima facie* case;
 - 3.2.4.5. such disputes should be referred to the Commission and the establishment of the Commission for purposes of adjudicating Disputes.
- 3.2.5. exercise functions relating to convening and composition of the Commission from time to time as contemplated in these Dispute Prevention and Disciplinary Code Procedures, for purposes of avoidance and/or resolution of Disputes and/or implementation of the Disciplinary Code.

4. **Commission**

- 4.1. Establishment and Structure of the Commission, establishes the Commission with the jurisdiction and powers to consider and make decisions in respect of Disputes referred to it by SASCOC.
- 4.2. The Commission is established to give effect to the prescripts of the Act, SASCOC Constitution with the jurisdictional powers as set out in **PART B**.

Fax: (011) 483-2726

E-Mail: admin@sascoc.co.za

5.7. Documents may only be filed with SASCOC at the address listed in 5.4 above between office hours of SASCOC.

5.8. Office Hours of the Commission will be as follows ;-

Monday to Friday : times 08h30 to 16h30
excluding public holidays, or as determined by the Commission.

5.9. The Chairperson shall upon receipt of the referral of a Dispute arrange for the Commission to stipulate the procedure to be followed by the party referring the Dispute and any other party affected by the Dispute, for purposes of getting the Dispute ready for hearing or adjudication by the Commission.

6. **Calculation of Time Periods**

For the purpose of calculating any period of time :-

6.1. a day means a business day; and

6.2. the first day is excluded and the last day is included, If the last day of any period falls on a Saturday, Sunday, Public Holiday or on a day during the next working day.

7. **Hearing of Disputes**

7.1. Dispute referred by SASCOC to the Commission will be heard within a reasonable time, subject to compliance with the requirements of these procedures or directives issued by the Legal and Arbitration Commission or Commission, with regard to Dispute(s) resolution process.

7.2. The Chairman in consultation with the Commission shall determine the procedure to be followed in the hearing of any Dispute(s) to the extent not already provided for in the Dispute Prevention and Resolution Procedure.

7.3. The Commission after consultation with Chairperson shall notify the parties of the date, time and place of the hearing.

7.4. A registered post that has been sent to a party's last-known domicile address or the address of that party's last-known representative will be deemed to be sufficient notice of the date, time and place of the hearing for the purposes of this rule.

8. **Postponement of a Hearing**

- 8.1. a scheduled hearing may be postponed by :–
- 8.1.1. the Chairperson in consultation with the parties; or
 - 8.1.2. application, of a party who has given notice to the other and the Commission at least 6 (six) days prior to the hearing on notice to the other parties.
- 8.2. The Chairperson shall postpone a hearing without the parties appearing if:–
- 8.2.1. all the parties to the dispute agree in writing to the postponement; and
 - 8.2.2. the written agreement for the postponement is received by the Secretary at least 6 (six) working days prior to the scheduled date of the hearing.
- 8.3. A party that does not agree to a postponement as contemplated in clause 8.1.2 may make written representations to the Chairperson at least 4(four) days before the scheduled date of the hearing.
- 8.3.1. After due consideration of any written representations received, Chairperson must decide whether or not to grant a request for postponement and convey his decision in writing to the Commission and all parties to the dispute.
 - 8.3.2. In the event that the Chairperson decides to grant the postponement as requested, the notice of postponement must be delivered to the Parties 2 (two) days before the date on which the Hearing was scheduled.
 - 8.3.3. The Notice of postponement must be in a prescribed format.⁶
 - 8.3.4. If a party, bringing an application for a postponement to a dispute fails to comply with the time periods referred to in 8.1.2 above the hearing must take place on the scheduled date, unless the Chairperson on good cause shown grants a postponement and conveys his decision in writing to the Commission and all parties to the dispute.

9. **Representation Before the Commission**

⁶ DPRC FORM 6 : PART D

In any proceedings before the Commission, a party to the proceedings may at its own costs:-

- 9.1.1. appear in person; or
- 9.1.2. be represented by a legal practitioner; or
- 9.1.3. a director or executive member of the party's Federation or any member, office-bearer or official of that party's Federation.
- 9.1.4. an "alleged offender" may be represented by any person of his choice or a legal practitioner at his or her own cost.

10. **Signing of Documents**

- 10.1. Any document that a party must sign in terms of these rules may be signed by the party or by a person entitled, in terms these rules, to represent that party in the proceedings.
- 10.2. If proceedings are jointly instituted or opposed by more than one person or Member(s) documents must be signed by an individual who is mandated by the Member or individual concerned, to sign documents. A name list in writing of the Members or individuals who have mandated the member to sign on their behalf must be attached to the Dispute Referral Form.

11. **Preliminary Inquiry**

- 11.1. The Commission may decide on whether a Dispute has been properly referred and to be dealt with in terms of these procedures, if the Commission decides that a Dispute has not been properly referred, it may decide not to hear such a Dispute or give direction as to how such a dispute should be dealt with.
- 11.2. The Commission may, decide, after considering the Dispute, whether to dismiss the Dispute if it is found to be frivolous or vexatious or does not set out a *prima facie* case.
- 11.3. The Commission may, in order to decide whether or not to dismiss the Dispute call for further information or affidavits from the referring party; and should the referring party fail to furnish such information, the Commission may dismiss the Dispute.
- 11.4. If the Dispute is dismissed the Secretary must within 10 (ten) days after the dismissal of the Dispute inform the referring party of such a dismissal and the reasons for same.

11.5. The Chairperson may contact the parties by telephone or other electronic means, prior to the commencement of the hearing, in order to seek to resolve the dispute.

12. **Pre-hearing Meeting**

12.1. The Chairperson has a discretion to decide on whether there is need for a pre-hearing, and form thereof, and if it is decided that the pre hearing is necessary then the secretary not later than 10 (ten) prior to the hearing days before the hearing notify the parties of the date, time and place for a pre-hearing meeting.

12.2. The following must be dealt with at the pre hearing meeting:

12.2.1. each party must provide admissions on certain issues;

12.2.2. confirm that the referring party has exhausted internal remedies;

12.2.3. any agreement which may be reached regarding the presentation of proof by means of an affidavit;

12.2.4. any dispute regarding the duty to begin or the onus of proof;

12.2.5. which documents or copies of documents will, without further proof, serve as evidence of what they purport to be;

12.2.6. which extracts may be proved without proving the whole document or any other agreement regarding the proof of such documents; and

12.2.7. settlement attempt by both parties.

13. **Minutes of the Pre-hearing Meeting**

13.1. after the pre-hearing meeting has been held the minutes or the written record of the meeting must be prepared and signed by or on behalf of every party;

13.2. the minutes must contain the date, place and duration of the conference and the names of the parties present.

13.3. the minutes of the pre-trial meeting must be filed by the Secretary.

14. **Hearing of a dispute**

14.1. Subject to clause 12.2 above if the Dispute is not dismissed, the Chairperson must within a reasonable time after the pre-hearing, notify the Parties of the date of hearing.

14.2. The Secretary must send a notice of set down of hearing to the Parties.

14.3. The hearing must be set down in accordance with **PART B –Conduct of Proceedings** before the Commission.

15. **Failure of a Party to attend Hearing of the Commission**

15.1. If either party fails to attend at any proceedings before the Commission, the Commission may dismiss the matter by issuing a ruling.

15.2. If either party fails to attend or be represented at any proceedings before the Commission, the Commission may-:

15.2.1. continue with the proceedings in the absence of the such a party; or

15.2.2. adjourn the proceedings to a later date.

15.3. the Commission must be satisfied that the party had been properly notified of the date, time and venue of the proceedings, before making any decision in terms of sub rule 20.2. If a matter is dismissed, the Secretary must send a copy of the ruling to all the Parties.

16. **Compliance with penalties imposed by the Commission**

Any penalties, orders or awards imposed by the Commission or the Secretary of the Commission shall become effective (30) thirty days when the internal remedies available to a party (ies) so sentenced have been exhausted, or when the prescribed time limit to exercise the next available internal remedy has lapsed.

17. **Communicating the outcome of the dispute**

Decisions, rulings or awards may be communicated by registered mail and shall be legally binding.

18. **Appeal**

The Decision of the Commission is final and binding.

PART D DISCIPLINARY CODE

1. **Purpose of Part C – Disciplinary Code**

The Disciplinary Code is established to regulate the exercise of disciplinary proceedings by SASCOG against a Member or individual falling under the jurisdiction of SASCOG.

2. **Notice of a Disciplinary Hearing**

In cases where charges are preferred by SASCOG against a Member in respect of an offence within the jurisdiction of SASCOG, the following steps shall be implemented:-

- 2.1. SASCOG shall cause to be delivered to such a party a Notice of disciplinary hearing in the prescribed format 15 (fifteen) days before the date of hearing.
- 2.2. The Commission may, in certain circumstances, suspend or extend the delivery of a Notice of disciplinary hearing for a reasonable time.
- 2.3. The Notice of disciplinary hearing shall be signed by SASCOG.
- 2.4. The Notice of disciplinary hearing shall be in a prescribed format.

3. **The Charge Sheet**

Where charges are brought by SASCOG against a Member, they shall be initiated by the notice of a disciplinary hearing and formulated by way of a charge sheet which shall:-

- 3.1. contain a concise summary of the facts;
- 3.2. set out concisely the charge(s) preferred against such a party; and
- 3.3. set out a possible sanction that may be imposed flowing from such charge(s).

4. **Sanctions of the Commission**

When a charge is proved to the satisfaction of the Commission the following sanctions may be imposed:

- 4.1. warn or reprimand ; and/or
- 4.2. recommend a suspension of a Member ;and/or
- 4.3. recommend a fine to be imposed in respect of a Member; and/or

- 4.4. recommend termination of membership of any individual affiliated through their respective National Sports Federation or member;
- 4.5. dismiss a complaint or dispute if it is vexatious, frivolous or does not set out a prima facie case or for any grounds as shall be appropriate in law ; and/or
- 4.6. make any appropriate order.

5. **Procedure before the Commission**

5.1. The ordinary procedure as outlined hereunder shall be applicable in cases where SASCOC institutes a charge(s), against a Member, wherever they may be at any time engaging in activities under the jurisdiction of SASCOC, relating to the following :

- 5.1.1. the alleged infringement of the Constitution, the rules , Regulations, directives, or resolution of SASCOC;
- 5.1.2. any act of misconduct;
- 5.1.3. improper practices;
- 5.1.4. misdemeanor;
- 5.1.5. acts of defiance; and/or
- 5.1.6. generally bringing sport or SASCOC into disrepute.

As contemplated in clause 9.3.1.5 of SASCOC's articles of Association.

- 5.2. The onus of proving the charge shall lie with SASCOC, which must prove the charge on a preponderance of probabilities.
- 5.3. The Commission shall, subject to this Rules have the power to delegate and/or elect one or more of its member(s) to initiate and/or conduct disciplinary proceedings against a Member.
- 5.4. Appoint a *pro-forma* prosecutor and/or nominee to represent SASCOC in all disciplinary hearings before the Commission.
- 5.5. All the parties to the disciplinary proceedings shall be notified by Secretary of the date, time and place of the hearing.
- 5.6. The charge sheet shall be dispatched within reasonable (at the discretion of the Chairperson before the date of the hearing and shall be on the prescribed format.

5.7. No party other than a party summoned or called as a witness to appear before the disciplinary Commission shall be entitled to attend a hearing except with permission of the Commission.

6. **The *pro-forma* prosecutor conducting the prosecution may :**

6.1. Before the accused pleads guilty to a charge, withdraw the charge, in which event the accused shall not be entitled to a verdict of acquittal in respect of that charge; and

6.2. at any time before the accused pleads to a charge at any time after an accused has pleaded to a charge, but before conviction, stop the prosecution in respect of that charge, in which event the Commission will acquit the accused in respect of that charge(s).

6.3. **The *pro-forma* prosecutor conducting a prosecution shall :**

6.3.1. read out the charge sheet addressed to the accused and the accused will then be asked by the Chairman of the Commission to plead "guilty" or "not guilty" to the charges;

6.3.2. a plea by the accused that he has already been convicted or acquitted of the offence with which he is being charged may be pleaded together with a plea of "not guilty";

6.4. **Where the accused pleads guilty :**

6.4.1. where the accused pleads "guilty" to the charges;

6.4.2. the Commission shall, if satisfied that the accused is guilty of the offence to which he has pleaded "guilty", convict the accused on the accused's plea of "guilty". Nothing in this rule will prevent the *pro-forma* prosecutor from presenting evidence on any aspect of the charge, for the purposes of determining an appropriate sentence.

6.5. **Where the accused pleads not guilty :**

6.5.1. where the accused pleads "not guilty" the Commission may, in its discretion, enquire from the accused whether he wishes to make a statement indicating the basis of his defence;

6.5.2. where the accused elects not to make a statement or does so, and it is not clear from the statement to what extent the accused denies or admits the issues raised by his plea, the Commission may question the accused in order to establish which allegations in the charge are in dispute. The Commission may in its discretion, put any question to the

accused to clarify any matter raised under this provision, and will enquire from the accused whether an allegation which is not placed in issue by the plea of “not guilty” may be recorded as an admission by the accused of the allegation, and if the accused so consents, such admission will be recorded and will be sufficient proof of such fact.

- 6.5.3. The accused may then call witness(es) to each of whom questions may be put by the accused, in which event they may be cross examined by the accused, the *pro forma* prosecutor and the Commission.
- 6.5.4. At any time the Chairperson and through him, members of the Commission may question witnesses giving evidence on behalf of SASCOC.
- 6.5.5. The *pro forma* prosecutor may then call other witnesses in support of the charge/s.
- 6.5.6. The accused will have the right to ask questions of such other witnesses. Such other witnesses may also be questioned by the *pro forma* prosecutor and members of the Commission.
- 6.5.7. At the conclusion of such evidence, the prosecution’s case will be closed.
- 6.5.8. The Accused shall have the right to apply for a discharge on the basis that *no prima facie* case has been made out by the *pro forma* prosecutor.
- 6.5.9. The accused may then give evidence on his own behalf and in such event he may be cross examined by the *pro-forma* prosecutor and the Commission.
- 6.5.10. At the conclusion of such evidence the accused’s case will be closed.
- 6.5.11. The disciplinary Commission may if it thinks it is desirable, or on application by *pro forma* prosecutor, or the accused, allow further evidence to be led by either the *pro-forma* prosecutor or the accused, or by both, after their cases are already closed.
- 6.5.12. “Hearsay” evidence as well television and video recordings may be allowed to be used by any party to the proceedings with permission of the Chairperson.

- 6.5.13. No evidence on any previous misconduct of the accused will be admitted, unless, it's an element of the current charge or relevant to it the accused will have put his character in issue.
- 6.5.14. After all evidence has been led, the *pro-forma* prosecutor will be allowed to address the Commission on the evidence and the legal position, and this will be allowed irrespective of whether the accused has led evidence or not.
- 6.5.15. Thereafter, the accused will likewise be allowed to address the Commission. The *pro-forma* prosecutor may reply on any question, which the accused has raised in his address.
- 6.5.16. Upon the conclusion of the case, the Commission will deliberate thereon.
- 6.5.17. Once a decision has been reached the Chairman will notify the parties of the verdict.
- 6.5.18. If the accused is found "not guilty" the proceeding will be declared closed.
- 6.5.19. If the accused is found "guilty" or the accused has pleaded "guilty", the *pro-forma* prosecutor will be entitled to address the Commission regarding a suitable sentence to be imposed and the accused will be entitled to address the Commission in mitigation of sentence.
- 6.5.20. Thereupon, the Commission will deliberate upon the most suitable sentence to be imposed.
- 6.5.21. Once a decision has been reached, the parties will be recalled and the Chairperson will announce the sentence.

PART E – PRESCRIBED FORMS

DISPUTE REFFERAL [DPRC FORM 1]

1. Applicant/ Referring Party

Name

Address

Tel _____ Fax

Cell _____ E-mail__

Contact Person

Capacity/ Occupation

2. Details of the other Party

Name

Postal Address

The dispute arose where:

(Give the city/ town in which the dispute arose)

6. Details of the internal dispute resolution procedures followed:

Have you followed and exhausted all internal grievance / disciplinary procedures before referring the dispute to the Commission?

Describe the internal procedures followed and/or exhausted

Please attach the records or minutes of the internal procedures followed, .i.e. the records of disciplinary hearing.

7. Results of Consultation

What outcome do you require?

8. Confirmation of above details

Signature of the Applicant

Signed at _____ on this _____
(place) (date)

APPLICATION FOR CONDONATION [DPRC FORM 2]

APPLICATION FOR CONDONATION/ NON COMPLIANCE.WITH THE RULES

(Applicant / Referring Party)

And

(Respondent)

I, the undersigned,

(full name of Applicant / Respondent)

Do hereby make oath and say:

1. BACKGROUND

1.1. The dispute arose on _____ after all attempts to negotiate or follow other internal procedures the dispute remains unresolved.

2. DEGREE OF LATENESS

2.1. The Applicant signed the referral form on _____

2.2. The referral is _____ days late.

3. REASONS FOR LATENESS

The reason/s why the Applicant referred the matter late is

4. PROSPECTS OF SUCCESS

Applicant believes that he/she has good cause because

5. PREJUDICE

As the Applicant (employee), if condonation is not granted, I will be prejudiced because

6. GENERAL [ANY OTHER RELEVANT INFORMATION]

APPLICANT/REFERING PARTY

Signed before me on _____ at

_____ by the deponent who acknowledges that he/she

knows and understands the contents of the affidavit, has no objection to taking the oath / affirmation and considers it binding upon his/her conscience.

COMMISSIONER

OF

OATHS:

NAME:

CAPACITY:

ADDRESS:

DPRC FORM – 3 NOTICE OF SET DOWN OF HEARING

Matter No.:

In the matter between
The Referring Party/Applicant

And
Respondent

TAKE NOTICE THAT that the hearing of the above matter has been set down for hearing on _____ at _____ or thereafter as soon as the Chairperson may order.

SIGNED at _____ on the _____ day of _____

Secretary (Commission)

*(Name)

Originator: Latest Changes by: Latest Change Date: Version:
SASCOC / SASACC

Page No. of Total:
Page 47 of 55

*(Address)

TO: Referring Party/Applicant
(Address)

AND TO: Respondent
(Address)

DPRC FORM 4: SUBPOENA

SUBPOENA IN TERMS OF PARAGRAPH 12.2 :PART B

TO: _____

(Name and address of person subpoenaed)

You are required to appear before the Dispute Prevention and Resolution Commission for SASCOC at

(Address)

on **(date)** _____ at **(time)** _____ and on any subsequent day to which the proceedings may be postponed.

You are subpoenaed in terms of Paragraph 12.2 Part B of the Dispute Prevention and Resolution Commission for SASCOC:

i.e. for questioning, to produce any book, document or object, to give evidence

Concerning _____ the _____ matter _____ between

(Name of Referring Party)

And

(Respondent)

Kindly note that in terms of Paragraph 15.1 Part B and the powers vested in SASCOC pursuant to its Constitution, a witness subpoenaed to attend a hearing of the Commission, who fails to attend or to remain in attendance at such hearing until excused by the Commission, shall be guilty of misconduct.

Further note that in terms of Paragraph 15.2 Part B, If any witness, after being subpoenaed, present at the hearing is required to give evidence at such hearing and refuse to answer any question(s) put to him or her, or refuses or fails to produce any book, paper or document required to be produced by him or her ,the Commission may in summary manner enquire into such refusal or failure, and unless the person refusing or failing has a just excuse for the refusal or failure, shall impose a fine not exceeding R 15 000,00 [fifteen thousand rands] over and above any sentence it deems appropriate in accordance with the Constitution and these rules.

Signed by the Chairperson or Secretary of the Commission

NAME: _____

DATE: _____

PLACE: _____

NB: if person signed in another capacity, such capacity must be stated.

DPRC FORM - 5 NOTICE OF POSTPONEMENT OF HEARING

Matter No.:

In the matter between
The Referring Party/Applicant

And
Respondent

TAKE NOTICE THAT that the hearing of the above matter has been postponed to be heard on _____ at _____ or thereafter as soon as the Commission may order.

SIGNED at _____ on the _____ day of _____

Secretary (Commission)
*(Name)
*(Address)

TO: Referring Party/Applicant
(Address)
AND TO: Respondent
(Address)

SCHEDULE 1 – WITNESS FEES

1. Subsistence allowance

- (a) A witness is entitled to the following allowances for each 24 hours or part thereof for which the witness is, for the purpose of the attendance of the proceeding of the Commission, absent from his or her residence or place of employment:
- (b) the reasonable actual expenses if it is necessary to hire accommodation for the night;
- (c) (i) R50 ; or

- (ii) the reasonable actual expenses incurred for meals on submission of proof of the expenses to the satisfaction of the Commission.
- (d) The allowances provided for in sub rule (1) are payable for the full period for which the witness is absent from his or her residence or place of sojourn for purposes of attending the hearing of the Commission.
- (e) In calculating the period of absence for purposes of sub rule () and (2), a witness is allowed 24 hours for each distance of 600 kilometres or part thereof travelled.
- (f) The allowance provided for in sub rule(1) is not payable if the fare of a witness includes the cost of meals and accommodation.

2. Transport and travelling expenses

- (a) A witness may, subject to sub rule (2) make use of public or private transport and is entitled to the following allowances:
 - (i) In the case of private transport -92c per kilometre
 - (ii) in the case of a motorcycle; or
 - (iii) R1,30 per kilometre in the case of a motor vehicle, calculated along the shortest route; or
 - (iv) in the case of public transport, an amount equal to the fare for the least expensive transport along the shortest route.
- (b) A witness may only use air transport if the Secretary of the Commission-
 - (i) is satisfied that the use thereof is warranted; and
 - (ii) has approved that the witness may make use of air transport.
- (c) On satisfactory proof having been produced, a witness is entitled to be reimbursed for his or her reasonable actual expenses incurred in respect of parking and toll fees.

3. Income forfeited

On satisfactory proof having been produced that a witness has forfeited income as a result of his or her attendance of a hearing of the Commission, he or she is, in addition to the allowance that may be payable to the witness in terms of rule 2,

entitled to an allowance equal to the actual amount of income so forfeited, subject to a maximum of R1500, 00per day.

DC FORM 1: NOTICE OF DISCIPLINARY HEARING

NOTICE OF DISCIPLINARY HEARING IN OF PARAGRAPH 2 PART D : DISCIPLINARY CODE

Date: _____

Time : _____

To: _____

You are hereby notified of a disciplinary enquiry that will be held on:

Date: _____

Time: _____

Venue: _____

Chairman: _____

ALLEGED OFFENCE/COMPLAINT

Please note that the following allegations have been preferred against you:

Date: _____

Time: _____

Place: _____

Details: _____

—

—

—

—

1. Your rights in terms of the disciplinary procedure are, *inter alia*, that: -

- (a) You are entitled to be represented, at your cost. Your representative shall not, however, be a witness to the abovementioned alleged charge.
- (b) You and your representative will be given the opportunity to challenge evidence against you, by cross-examining the witnesses and examining any documents pertaining to the matter.
- (c) Kindly notify the chairperson at least 2 (two) days before the hearing as to who your representative is, so that the arrangements can be made for his/her attendance. Failure to notify the chairperson will be construed as a waiver of your right. No request

for postponement will be entertained by your failure to notify the chairperson of your representative.

- (d) You or your representative will be entitled to put your case by presenting evidence yourself and by calling your own witnesses to testify at the hearing
- (e) Failure by yourself to attend the hearing, either in person, or through a representative, shall in no way invalidate the proceedings and the proceedings will commence in your absence. You are required to be present throughout the proceedings.
- (f) You and your representative will be given the opportunity to challenge the evidence brought against you at the enquiry. You will be allowed to cross-examine the witnesses of SASCO and any documents brought in evidence.
- (g) You are entitled to an interpreter at your cost.
- (h) You have the right to present evidence in mitigation.
- (i) The chairperson of the disciplinary enquiry shall within 7 (seven) days of the date on which the enquiry is completed, inform you of the Commission's findings.
- (j) The enquiry will be recorded.
- (k) Should you admit to the charge(s) before or during the disciplinary hearing, it shall be deemed that you are guilty of the charge(s).
- (l) Should a verdict of guilty be arrived at by the Commission, you will then be entitled to give evidence in mitigation of sentence, concerning your personal circumstances, length of service, previous disciplinary record. You are entitled to a reasonable opportunity to prepare your defence.

Yours faithfully

Chairperson

I hereby certify that I have received a copy of this notification, and that I understand the allegations/charges against me, and I understand that the allegations are of a serious nature.

Received by: _____

Signature: _____

Date: _____

Time : _____