



1992-2017

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#### MISSION

To make a contribution towards  
Nation Building and Healing of  
our land, South Africa, and the  
Transformation of our Society,  
through the Development of  
Athletics, from Grassroots to the  
highest levels of Excellence

To  
From  
Date  
Subject  
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ASA Members
ASA Office
06 July 2017
License Registration process that compromise ASA
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## ELECTRONIC TRANSMISSION

Dear ASA Member

### Circular 73 of ASA 2017 (07/06) – LICENSE REGISTRATION PROCESS THAT COMPROMISE ASA

The ASA Licensing System is dealt with in ASA Rule 24 extensively. A pivotal point in ASA Rule 24 states that “All forms of licensing in athletics remain the property of ASA at all times irrespective of whether the license is issued by ASA, the Province, or club.”

It is a well-defined constitutional right of ASA to generate income by means of franchise licensing to ASA Provinces. ASA Constitution Clauses 1.6; 1.27; 3.2.7.3; 4.8; 4.13.3; 4.15; 4.19; 13.4; 26.2.1; 26.2.2; 27.6; 27.7; 27.8; 28.6.

ASA provide licenses to provinces and clubs with the understanding that the above right will be protected by the province and the club. In exchange for this service ASA grant provinces and clubs the right to generate income from the sale of licenses as well.

ASA have noted that some provinces, in their process of providing licenses to clubs, are compromising both the potential income from such licenses as well as compromising the protection that the license provide to ASA.

To be specific: A practice of “virtual registration” where implemented by some clubs which enable an athlete to register without signing the registration form, and no hard copy of such registration is available at club level. This practice has led to an elite athlete, currently engaged with in a legal defence in the High Court of South Africa, against a spectator, with legal cost in excess of R1 000 000.00, and stand to lose the case, because the athlete could not produce a signed hard copy of the license registration form.

Furthermore, Provinces issue licenses to clubs in batches and expect the club to pay for the licenses in arrears. This practice has compromised the financial integrity of the ASA Licensing system as it delays license related income from the province to ASA, at a time that payment to the ASA service providers of the licenses needs to be honoured.

This practice of issuing licenses to clubs without receiving a signed registration form first, has now evolved to some clubs issuing the same license to more than one athlete; or one athlete using more than one license number (ASA has physical evidence of this practice); or issue licenses at random prior to a race without a proper registration process. All these practices constitute fraud.

Some clubs has evolved into clubs operating in more than one province, and has created a centralized registration system that operates parallel to the provincial administration system.

Such centralized system is not recognized by ASA, neither is it recognized in law, as such practice is not defined in the ASA or IAAF Constitution. Furthermore, the administrators of some centralized administration systems, whom operate parallel to the provincial regulatory system, has become a law-upon themselves and contaminate the legal standing of ASA and it's Council.

In cases where provinces are implicated as specified above, Provinces are required to align their regulatory systems related to licensing to the ASA Constitution and ASA Domestic Rules and regulations. Such re-alignment should be implemented in the 1<sup>st</sup> quarter of 2018 latest.

To avoid doubt, Provinces should implement a license registration system which enables the club to be in possession of legal hard copy of a registration form, signed by the athlete, and be able to prevent such form to the province or ASA Office when requested.

Furthermore, provinces must be financially in a position to honour payment of license levies to ASA, as specified in the relevant delivery note from ASA.

ASA will visit provinces during the 1<sup>st</sup> quarter of 2018 to verify if licenses were issued correctly by provinces to clubs; and if proper financial regulatory systems are in place regarding transactions related to licensing.

ASA reserve the right to implement corrective measures in cases where provinces regulate the licensing system in such a way that it compromises the financial and/or legal integrity of ASA.

Athletics greetings

Richard Stander

ASA CEO

Not signed due to electronic sending