

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN OLYMPIC HOSTING BILL

(As amended by the Portfolio Committee on Constitutional Affairs (National Assembly))

(MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT)

[B 66B—97]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP SUID-AFRIKAANSE OLIMPIESE GASHEERSKAP

(Soos gewysig deur die Portefeuljekomitee oor Staatkundige Aangeleenthede (Nasionale Vergadering))

(MINISTER VIR PROVINSIALE SAKE EN STAATKUNDIGE ONTWIKKELING)

[W 66B—97]

ISBN 0 621 27260 4

BILL

To provide for the execution of the host city contract if the hosting of the 28th Olympiad in 2004 is awarded to the City of Cape Town; and for matters connected therewith.

PREAMBLE

WHEREAS it is desirable for the Government of the Republic of South Africa to convey its support for the bid by the City of Cape Town to host the Olympic Games by making specific provision to facilitate the hosting of the Olympic Games;

AND WHEREAS the Covenant given by the National Government, and other covenants given by the Province of the Western Cape, the City of Cape Town and surrounding local authorities, in respect of the bid by the City of Cape Town to host the Olympic Games, are endorsed;

AND WHEREAS the City of Cape Town has taken all the required steps to sign the host city contract if the hosting of the Olympic Games is awarded to that City;

AND WHEREAS it is desirable to further support the bid by the City of Cape Town to host the Olympic Games by facilitating the execution of, and compliance with, any contract, agreement or arrangement;

AND WHEREAS the supreme authority of the International Olympic Committee in all matters related to Olympic sport is recognised;

AND WHEREAS the spirit of Olympism will contribute to the welfare of the people of the Republic of South Africa and the continent of Africa;

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - “**Covenant**” means the Covenant by the National Government to respect the provisions of the Olympic Charter and to meet the requirements set by the IOC for the hosting of the Olympic Games; 5
 - “**host city contract**” means the contract the City of Cape Town is required to conclude with the IOC if the hosting of the Olympic Games is awarded to that City; 10
 - “**IOC**” means the International Olympic Committee and its structures; 10
 - “**Olympic Games**” means the Games of the 28th Olympiad in 2004;
 - “**organ of state**” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

Execution of host city contract

2. (1) The City of Cape Town is authorised to comply with all the provisions of the host city contract and to fulfil any obligation imposed on it by the IOC. 15

(2) The City of Cape Town may enter into any agreement required by the host city contract.

(3) The City of Cape Town may attach the Covenant to the host city contract.

(4) An organ of state which has entered into any contract, agreement or arrangement for the bid by the City of Cape Town to host the Olympic Games, is authorised to give effect to such contract, agreement or arrangement. 5

(5) Any organ of state involved in the bid by the City of Cape Town to host the Olympic Games, and which, if the hosting of the Olympic Games is awarded to that City, will be involved in such hosting, must conduct its affairs and fulfil its obligations in respect of such bid or hosting, as the case may be, in accordance with the principles of co-operative government. 10

Short title

3. This Act is called the South African Olympic Hosting Act, 1997.

MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN OLYMPIC HOSTING BILL, 1997

Since it is deemed desirable for the Government of the Republic of South Africa to convey its support for the City of Cape Town to host the Olympic Games in 2004 by making specific provision to facilitate the hosting of such Games, the object of the Bill is to facilitate the execution of the host city contract that the City of Cape Town is required to sign if the hosting of such Games is awarded to that City.

In so far as the hosting of the Olympic Games involves the local sphere of government, section 164 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), provides the necessary authorisation for national legislation to prescribe any matter concerning local government not dealt with in the Constitution. Section 10C(2) and (3) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), makes provision for a metropolitan council or a metropolitan local council, as the case may be, to have such other powers and duties conferred or imposed upon or delegated or assigned to it by or under any law. The same arrangement is made by section 10D(1)(b) of the Local Government Transition Act, 1993, in respect of a district council, a local council and a rural council. The Bill, if adopted, will be such a law.

Clause 1 of the Bill contains certain definitions.

Clause 2 of the Bill deals with the execution of the host city contract if the hosting of the Olympic Games in 2004 is awarded to the City of Cape Town.

In view of the fact that the Bill is not a Bill referred to in subsection (3), (4) or (5) of section 76 of the Constitution, the Department of Constitutional Development and the State Law Advisers are of the opinion that the legislative procedure provided for in section 75 of the Constitution has to be followed in respect of the Bill.

CONSULTATION

The Bill has been published for public comment as required by section 154(2) of the Constitution. The Departments of Finance and Trade and Industry were consulted.