

REPUBLIC OF SOUTH AFRICA

NATIONAL SPORT AND RECREATION BILL

(As amended by the Portfolio Committee on Sport and Recreation (National Assembly))

(MINISTER OF SPORT AND RECREATION)

[B 113B—98]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP NASIONALE SPORT EN REKREASIE

*(Soos gewysig deur die Portefeuljekomitee oor Sport en Ontspanning
(Nasionale Vergadering))*

(MINISTER VAN SPORT EN REKREASIE)

[W 113B—98]

ISBN 0 621 28587 0

BILL

To provide for the promotion and development of sport and recreation and the co-ordination of the relationships between the Sports Commission, national and recreation federations and other agencies; to provide for measures aimed at correcting imbalances in sport and recreation; to promote equity and democracy in sport and recreation; to provide for dispute resolution mechanisms in sport and recreation; to empower the Minister to make regulations; and to provide for matters connected therewith.

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - “**General Assembly**” means a duly constituted assembly of representatives of National Federations, Multi-coded Sports Organisations, and such other parties contemplated in this Act, convened by the Chairperson of the Commission or a person designated by him or her, in terms of this Act; 5
 - “**Minister**” means the Minister responsible for Sport and Recreation;
 - “**NAPCOSA**” means the National Paralympic Committee of South Africa; 10
 - “**National Coaching and Accreditation Institute**” means the institute referred to in section 7(1)(f);
 - “**national federation**” means a national governing body of a code of sport in the Republic recognized by the relevant international controlling body as the only authority for the administration and control of the relative code of sport in the Republic; 15
 - “**NOCSA**” means the National Olympic Committee of South Africa;
 - “**prescribe**” means prescribe by regulation;
 - “**provincial department of sport and recreation**” means a provincial department responsible for sport and recreation; 20
 - “**Recreation Movement**” means a movement consisting of the Sports Commission, SANREC and all recreation federations;
 - “**recreation service**” means a recreation service whose primary business is to present recreation services;
 - “**regulation**” means a regulation made in terms of section 14; 25
 - “**SANREC**” means the South African National Recreation Council at national and provincial level;
 - “**SISA**” means the Sports Information and Science Agency;
 - “**sports or recreation body**” means any national federation, agency or body involved in the administration of sport or recreation at national level; 30
 - “**Sports Commission**” means the South African Sports Commission;
 - “**Sports Movement**” means a movement consisting of the Sports Commission, NOCSA and all national federations;
 - “**this Act**” includes any regulation;
 - “**WASSA**” means Women and Sport South Africa. 35

Promotion and development of sport and recreation in Republic

2. (1) The Sports Commission will be the overall co-ordinating body for the promotion and development of sport and recreation in the Republic, save NOCSA.

(2) The Sports Commission may, from time to time, develop guidelines for the promotion and development of sport and recreation. 5

(3) (a) Every government ministry, department, province or local authority may carry out sporting or recreational activities or activities relating to physical education, sport and recreation, including training programmes and development of leadership qualities.

(b) The Sports Commission may, in writing, require a government ministry, department, province or local authority to consult with it in relation to the activities referred to in subparagraph (a). 10

(4) All sports and recreation bodies must consult and co-ordinate with the Sports Commission on any matter that has been prescribed by regulation.

Intergovernmental liaison and co-operation with other countries

3. The Sports Commission is charged with the responsibility of liaison at 15
intergovernmental level with regard to all matters relating to sport and recreation.

Determination of sport and recreation policy

4. (1) The Minister may after consultation with, or after consideration of proposals made by, the Sports Commission and NOCSA, in respect of the Olympic Games, from time to time, determine the general policy to be pursued with regard to sport and recreation. 20

(2) The policy determined by the Minister may, among others, relate to the following:

(a) Confirming the roles and responsibilities amongst the various role-players in sport and recreation to ensure that all efforts are co-ordinated in an efficient manner; 25

(b) providing funds annually for the creation and upgrading of basic multi-purpose sport and recreation facilities subject to the provisions of section 10 and according to priorities as determined, from time to time, by the Sports Commission in consultation with provincial, local government and relevant sport and recreation bodies; 30

(c) maintaining the focus on the administration of sport and recreation, as well as the development of a volunteer corps, to assist in the implementation of the various mass participation programmes;

(d) enhancing health consciousness by means of themed programmes aimed at specific interest groups in the society; 35

(e) identifying latent talent for sport;

(f) investing in the preparation of sport participants who are elected to represent the Republic in major competitions;

(g) helping in cementing the sports unification process; and

(h) instituting necessary affirmative action controls which will ensure that national teams reflect all parties involved in the process. 40

(3) The policy as determined by the Minister binds all sports and recreation bodies.

Membership of Sports Commission

5. (1) Membership of the Sports Commission will be open to all those sport and recreation bodies who qualify in terms of the recognition criteria determined by the Sports Commission. 45

(2) No membership shall be granted to a sports and recreation federation which permits or tolerates a system or practice of discrimination based on gender, race, disability, religion or creed.

National and recreation federations

50

6. (1) The national and recreation federations must assume full responsibility for the safety issues within their sport and recreation disciplines.

(2) The national and recreation federations must actively participate in and support programmes and services of the Sports Commission.

Training of sport and recreation leaders

7. (1) The Sports Commission will, in order to address the shortage of trained leaders, administrators and officials at national level—
- (a) arrange or present regular train-a-trainer seminars for sport leaders;
 - (b) ensure that the train-a-trainer seminars are standardised with accredited qualifications being awarded by the Sports Commission after the training modules have been completed; 5
 - (c) maintain a data-base of trained sport leaders and participants;
 - (d) organise follow-up seminars with sport leaders and participants within agreed time-frames; 10
 - (e) establish a reward system for the successful completion of train-a-trainer seminars; and
 - (f) establish a National Coaching and Accreditation Institute that will ensure that standards are maintained and that will distribute to prospective employers, a job placement list in respect of successful trainers. 15
- (2) The Sports Commission will, in order to address the shortage of trained leaders at national level—
- (a) arrange or present regular train-a-trainer seminars for recreation leaders;
 - (b) ensure that the train-a-trainer seminars are standardised with accredited qualifications being awarded by the Sports Commission after the training modules have been completed; 20
 - (c) maintain a data-base of trained recreation leaders and participants;
 - (d) organise follow-up seminars with recreation leaders and participants within agreed time-frames;
 - (e) establish a reward system for the successful completion of train-a-trainer seminars; and 25
 - (f) establish a National Coaching and Accreditation Institute that will ensure that standards are maintained and that will distribute to prospective employers a job placement list in respect of successful trainers.

Resources for sport and recreation 30

8. (1) The Sports Commission will, in accordance with its funding policy and the provisions of section 10, provide physical facilities for sport and recreation at national level, depending on the availability of funds.
- (2) The beneficiary of the provision of such facilities must ensure the maintenance of every facility erected, by way of— 35
- (a) maintenance agreements; and
 - (b) the establishment of management structures to run such facilities in commercially viable ways.
- (3) The Sports Commission will, when planning such facilities, ensure that special consideration is given to the accessibility of such facilities to sports people and spectators with disabilities. 40

Programmes to promote equity in sport and recreation

9. (1) The Sports Commission must organise programmes aimed at mobilising the nation to play.
- (2) The Sports Commission must— 45
- (a) from time to time, present national mass sport and recreation participation programmes;
 - (b) encourage the provincial sport and recreation departments and local authorities to form partnerships with other related organisations that have an interest in sport and recreation and mass participation, in order to— 50

- (i) enlist financial assistance towards the expansion of mass participation in sport and recreation programmes and services; and
 - (ii) exchange ideas;
 - (c) encourage the provincial sport and recreation departments to employ the programmes of the Sports Commission; 5
 - (d) spearhead the following:
 - (i) The development, suitability and prioritising of sport and recreation programmes and services; and
 - (ii) reporting on the infrastructure needed to implement those programmes and services; 10
 - (e) ensure that—
 - (i) women;
 - (ii) the youth attending school and those who are no longer attending school;
 - (iii) the disabled;
 - (iv) senior citizens; and 15
 - (v) neglected rural areas,
 receive priority regarding programmes for development and the delivery of sport and recreation;
 - (f) seek the assistance of international organisations in sport and recreation to enhance the programmes and to exchange experiences and ideas, 20
- to ensure that the people of the Republic are well informed of the benefits of participation in sport and recreation and a healthy lifestyle.

Funding of sport and recreation

- 10.** (1) The Sports Commission must, in accordance with its funding policy—
- (a) implement a results-based funding policy where the level of funding is determined according to an accountable set of criteria; 25
 - (b) encourage creativity and self-reliance on the part of the national federations regarding funding;
 - (c) direct provincial federations to the offices of the members of the Executive Council for Sport and Recreation in the provinces and the local authorities in the various cities for provincial and local funding; 30
 - (d) increase the profile and increase financial assistance to volunteers, women, senior citizens, neglected rural areas and the disabled, in sport and recreation; and
 - (e) demand acceptable standards of administration from recipients of Government funding. 35
- (2) The Sports Commission must, in allocating funds to the national and recreation federations, determine the proportion of funding that must be used towards development.
- (3) No funding will be provided to national or recreation federations where no development programmes exist or where federations exclude persons from the disadvantaged groups, particularly women and people with disabilities, from participating at top level of sport. 40

National colours and incentives for sports achievers and recreation practitioners

- 11.** (1) The Sports Commission must establish a national colours board which will consider all applications for the awarding of national colours. 45
- (2) The national colours must be awarded in accordance with the applicable regulations.
- (3) The Sports Commission may, from time to time, provide incentives for sports achievers and recreation practitioners. 50

Environment and sport and recreation

- 12.** (1) All sport and recreation activities must be conducted in such a way that the environment is not adversely affected.
- (2) The governing body of any sport or recreation body must lay down guidelines which are aimed at the protection of the environment. 55

Dispute resolution

13. (1) Every sport and recreation body will, 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.

(2) Where the dispute cannot be resolved in terms of subsection (1), any member of the sport or recreation body in question who feels aggrieved, or the sport or recreation body itself, may submit the dispute to the Sports Commission. 5

(3) The Sports Commission must give a decision, in relation to any dispute referred to in subsection (1) or (2), that best serves the interests of the sports or recreation body in question. 10

(4) The Sports Commission may, at any time, of its own accord, cause an investigation to be undertaken to ascertain the truth within a sport or recreation body, where allegations of—

- (a) any malpractice of any kind, including corruption, in the administration;
- (b) any serious or disruptive divisions between factions of the membership of the sports or recreation body; or 15
- (c) continuation or maintenance of any institutionalised system or practice of discrimination based on gender, race, religion or creed, or violation of the rights and freedoms of individuals or any law,

have been made, and may ask the Minister to approach the President of the Republic to appoint a commission of inquiry referred to in section 84 (2) of the Constitution. 20

Regulations

14. The Minister may, after consultation with the Sports Commission, make regulations—

- (a) as to any matter which by this Act is required or permitted to be prescribed; 25
- (b) as to the implementation of various programmes for sport and recreation;
- (c) as to the training of sport and recreation leaders;
- (d) relating to mass participation in sport and recreation;
- (e) providing for resources for sport and recreation;
- (f) providing for sport support services; 30
- (g) providing for recreation support services;
- (h) as to the programmes to promote engagement in sport and recreation;
- (i) as to the funding of sport and recreation;
- (j) relating to the incentives for sport achievers and recreation practitioners; and
- (k) generally, as to any other matter in respect of which the Minister may deem it necessary to make regulations in order to achieve the objects of this Act. 35

Delegation of duties, powers and functions by Minister and Chief Executive Officer

15. (1) The Minister may delegate, either generally or in any particular case, any duty, power or function imposed or conferred upon or assigned to him or her by this Act, to the Chairperson of the Sports Commission or any other officer in the Sports Commission on such conditions as the Minister may determine. 40

(2) The Chief Executive Officer may delegate, either generally or in any particular case, any duty, power or function imposed or conferred upon or assigned to him or her by this Act to any other officer in the Sports Commission on such conditions as he or she may determine. 45

(3) Any delegation in terms of this section may at any time be varied or withdrawn.

Short title

16. This Act is called the National Sport and Recreation Act, 1998, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE NATIONAL SPORT AND RECREATION BILL, 1998

1. BACKGROUND AND CLAUSE BY CLAUSE ANALYSIS

The Bill has been drafted to—

- * provide for the promotion, development and co-ordination of the relationships between the Sports Commission, macro sport body, national and recreation federations and other agencies;
- * provide for measures aimed at correcting imbalances in sport and recreation;
- * promote equity and democracy in sport and recreation; and
- * provide for matters connected therewith.

Clause 1 contains the definitions, which are aimed at shortening the language of the Bill. Provision has also been made for the Sports Commission to promote and develop sport and recreation in the Republic (clause 2).

Clause 3 provides for the Sports Commission to liaise internationally with other countries. The Minister may after consultation with the Sports Commission and the National Olympic Committee of South Africa (NOCSA), determine the general policy to be pursued with regard to sport and recreation (clause 4).

NOCSA will be the only non-governmental sport and recreation body recognised by the Sports Commission (clause 5).

All national federations must affiliate to NOCSA and the national and recreation federations will actively participate in and support programmes and services of the Sports Commission (clause 6).

Clause 7 provides for the training of sport and recreation leaders at national level.

Provision has also been made for the Sports Commission to provide physical facilities for sport and recreation at national level in accordance with its funding policy and depending on the availability of funds (clause 8).

Clause 9 makes provision for the organising of programmes by the Sports Commission to promote equity in sport and recreation.

Provision has also been made for the Sports Commission to fund the national and recreation federations with regard to sport and recreation (clause 10).

Clause 11 provides for the awarding of national colours and incentives by the National Colours Board and the Sports Commission, respectively.

Clause 12 makes provision for sport and recreation to be conducted in an environment-friendly manner.

Every sport and recreation body must resolve its disputes internally or with its governing body. The sport or recreation body may, however, refer the dispute to the Sports Commission for a decision if such a sport or recreation body is unable to resolve such a dispute. The Sports Commission may at any time of its own accord cause an investigation to be undertaken to ascertain the truth within a sport or recreation body concerning any malpractice, serious disruptive divisions between factions, discrimination, etc. (clause 13).

Clause 14 provides that the Minister may, after consultation with the Sports Commission, make regulations regarding sport and recreation matters.

Clause 15 provides for the delegation of duties, powers and functions by the Minister or by the Chief Executive Officer of the Sports Commission.

Clause 16 contains the short title.

2. PERSONS AND BODIES CONSULTED

The Departments of:

- * Finance
- * Public Service and Administration
- * Home affairs
- * Foreign Affairs

The Provincial Departments of Sport and Recreation

The National Sports Council (NSC)

The National Olympic Committee of South Africa (NOCSA)

The South African National Recreation Council (SANREC)

Women and Sport South Africa (WASSA)

3. PARLIAMENTARY PROCEDURE

The Department and the State Law Advisers are of the view that this Bill must be dealt with in accordance with the procedure established by section 75(1) of the Constitution.