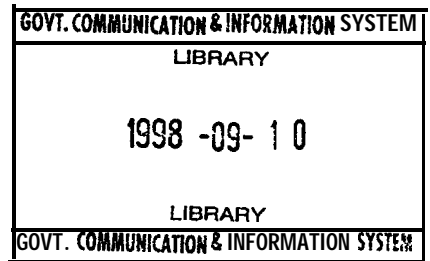


REPUBLIC OF SOUTH AFRICA

NATIONAL SPORT AND RECREATION BILL

(As introduced in the National Assembly)

(MINISTER OF SPORT AND RECREATION)



[B 113--98]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP NASIONALE SPORT EN REKREASIE

(Soos ingedien in die Nasionale Vergadering)

(MINISTER VAN SPORT EN REKREASIE)

[W 113—98]

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BILL

To provide for the promotion, development of sport and recreation and the co-ordination of the relationships between the Sports Commission, macro sports and recreation bodies, 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 mechanism in sport and recreation; to empower the Minister to make regulations; and to provide for matters connected therewith.

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - “**Minister**” means the Minister responsible for Sport and Recreation; 5
 - “**National Coaching and Accreditation Institute**” means the institute referred to, in section 7(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; 10
 - “**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;
 - “**recreation federation**” means a deliver of recreation service whose primary business is to present recreation services; 15
 - “**Recreation Movement**” means a movement consisting of the Sports Commission, SANREC and all recreation federations;
 - “**regulation**” means a regulation made in terms of section 14; “
 - “**SANREC**” means the South African National Recreation Council at national and provincial level; 20
 - “**SISA**” means a Sports Information and Science Agency;
 - “**Sports or Recreation body**” means any national or recreation federation, agency or personal body involved in the administration of sport or recreation at national level; 25
 - “**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. 30

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, for all sport or recreation bodies or macro-sport bodies and educational institutions, whether primary, secondary or tertiary. 35
- (2) The Sports Commission may, from time to time, develop guidelines for the promotion and development of sport and recreation.

(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 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). 5

(4) All sports and recreation bodies involved in sport and recreation 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 10

3. The Sports Commission is charged with the responsibility of liaison at 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, from time to time, determine the general policy to be pursued with regard to sport and recreation. 15

(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; 20

(b) providing funds annually for the creation and upgrading of basic multi-purpose, sport and recreation facilities subject to the provisions of section 10 according to priorities as determined, from time to time, by the Sports Commission; 25

(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 programmed aimed at specific interest groups in the society; 30

(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. 35

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

Recognised macro-sport body

5.(1) NOCSA, which is a non-governmental organisation, is recognised by the Sports Commission. 40

(2) NOCSA and the national federations in conjunction with the Sports Commission and the recreation federations constitute the Sport and Recreation Movement whose common aim is to deliver sport and recreation.

National and recreation federations

6. (1) All national federations must affiliate to the macro-sport body referred to in section 5(1). 45

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

(3) The national and recreation federations must actively participate in and support programmed and services of the Sports Commission. 50

Training of sport and recreation leaders

7. (1) The Sports Commission in collaboration with NOCSA and the national federations 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;
 - (c) maintain a data-base of trained sport leaders and participants; 5
 - (d) organise follow-up seminars with sport leaders and participants within agreed time-frames;
 - (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 it will distribute to prospective employers, a job placement list in respect of successful trainers. 10
- (2) The Sports Commission in collaboration with SANREC and the recreation federations will, in order to address the **shortage** of trained leaders at a national level—
- (a) arrange or present regular train-a-trainer seminars for recreation leaders; 15
 - (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;
 - (c) maintain a data-base of trained recreation leaders and participants;
 - (d) organise follow-up seminars with recreation leaders and participants within 20 agreed time-frames;
 - (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 it will distribute to prospective employers, a job placement list in respect of successful trainers. 25

Resources for sport and recreation

- 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. 30
- (2) The beneficiary of such facilities must ensure the maintenance of every facility erected, by way of—
- (a) maintenance agreements; and
 - (b) establishment of management structures to run such facilities in commercially viable ways. 35

Programmed to promote equity in sport and recreation

- 9. (1)** The Sports Commission in collaboration with the national and recreation federations must organise programmed aimed at mobilizing the nation to play.
- (2) The Sports Commission **must**—
- (a) from time to time, present national mass sport and recreation participation 40 programmed;
 - (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—
 - (i) enlist financial assistance towards the expansion of mass participation in 45 sport and recreation programmed and services; and
 - (ii) exchange ideas;
 - (c) encourage the provincial sport and recreation departments to employ the programmed and services at provincial level;
 - (d) be advised by NOCSA, SANREC, SISA and WASSA with regard to the 50 following—
 - (i) the development, suitability and prioritizing of sport and recreation programmed and services; and
 - (ii) reporting on the infrastructure needed to implement those programmed and services; 55
 - (e) ensure **that**—
 - (i) women;

- (ii) the youth;
 - (iii) the disabled;
 - (iv) senior citizens; and
 - (v) neglected rural areas,
- receive priority regarding programmed for development and the delivery of sport and recreation; 5
- (f) seek the assistance of international organisations in sport and recreation to enhance the programmed and to exchange experiences and ideas, to ensure that the people of the Republic are well informed of the benefits of participation in sport and recreation and a healthy lifestyle. 10

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;
 - (b) encourage creativity and self-reliance on the part of the national federations regarding funding; 15
 - (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;
 - (d) increase the profile and stepping up of financial assistance to volunteers, women and the disabled in sport and recreation; and 20
 - (e) demand acceptable standards of administration from recipients of Government funding.
- (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. 25
- (3) No funding will be provided to national or recreation federations where no development competition exists or where federations exclude persons from the disadvantaged groups from participating at top level of sport.

National colours and incentives for sports achievers and recreation practitioners. 30

11. (1) The Sports Commission must establish a national colours board which will consider all applications for the awarding of national colours.
- (2) The national colours must be awarded in accordance with the regulations.
- (3) The Sports Commission may, from time to time, provide incentives for sports achievers and recreation practitioners. 35

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. 40

Dispute resolution

13. (1) Every sport and recreation body will, in accordance with its internal procedure provided for in its constitution or, in the absence thereof, 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 . 45
- (3) The Sports Commission must give a decision, in relation to a dispute referred to in subsection (1) or (2), that best serves the interests of the sports or recreation body in question. 50

(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 5 sports or recreation body; or
- (c) continuation or **maintenance** of any **institutionalised** system or practice of discrimination based on sex, 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 10 appoint a commission of **inquiry** referred to in section 84 (2) of the Constitution.

Regulations

14. (1) 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; 15
- (b) as to the implementation of various programmed 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 the resources for sport and recreation;
- (f) providing for sport support services; 20
- (g) providing for recreation support services;
- (h) as to the programmed to promote the 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 25 necessary to make regulations in order to achieve the objects of this Act.

(2) The generality of the power conferred by paragraph (m) of subsection (1) will not be limited by the provisions of the other paragraphs of the said subsection.

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, 30 power or function imposed or conferred upon or assigned to him by this Act, to the Chief Executive Officer of the **Sports Commission** or any other officer in the Sports Commission on such conditions as the Minister may determine.

(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 by this 35 Act to any other officer in the Sports Commission on such **conditions** as he or she may determine,

(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 40 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 coordination 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 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 organizing “of programmed 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 “of the Sports Commission, make regulations regarding sport and recreation matters.

Clause 15 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 (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.