

**SPORT AND RECREATION SOUTH AFRICA  
NOTICE 825 OF 2017**

**APPOINTMENT OF A COMMITTEE TO INVESTIGATE FACTS AND  
EVENTS THAT LED TO THE DEATH OF TWO SOCCER FANS AND  
INJURY TO TWENTY-ONE OTHER FANS AT THE SOCCER MATCH  
BETWEEN ORLANDO PIRATES AND KAIZER CHIEFS ON 29 JULY 2017**

I, Thembelani Waltermade 'Thulas' Nxesi MP, Minister of Sport and Recreation, hereby, by virtue of the powers conferred on me under section 13(5) (a) of the National Sport and Recreation Act, 1998 (Act No. 110 of 1998 as amended) read with the Public Finance Management Act, 1999 (Act No. 1 as amended), of 1999) and its Treasury Regulations, hereby establish a committee to investigate the tragic events at the soccer match between Kaizer Chief and Orlando Pirates on 29 July 2017 at which two soccer fans died and twenty-one others were injured as set out in the Schedule;

The committee is to be chaired by retired judge of the Supreme Court of Appeal, Mr Justice Rajarithinam Pillay, Mr. Masilo Maake, an attorney as a member and Mr. Eugene Van Vuuren, a stadium safety expert as a member.

**MINISTER OF SPORT AND RECREATION**

## SCHEDULE

### COMMITTEE TO INVESTIGATE FACTS AND EVENTS THAT LED TO THE DEATH OF TWO SOCCER FANS AND TWENTY-ONE OTHERS WERE INJURED AT A SOCCER MATCH BETWEEN ORLANDO PIRATES AND KAIZER CHIEFS ON 29 JULY 2017 AT THE FNB STADIUM IN JOHANNESBURG

#### Background

1. In 2001 after 43 people died and numerous others were injured at a soccer match between Kaizer Chiefs and Orlando Pirates at the Ellis Park Stadium, President Mbeki at the time established a Commission of Enquiry chaired by Judge Ngoepe to investigate the causes of the tragedy and to recommend measures to prevent similar occurrences from happening again in the Republic, amongst others.
2. Based on the said recommendations, Parliament of the Republic of South Africa enacted the Safety at Sports and Recreational Event Act, 2010 (Act No. 2 of 2010) (hereinafter referred to as “**the SASREA**”). which provides, amongst others, for:-
  - (a) measures that must be undertaken to safeguard the physical well-being and safety of persons and property at sports, recreational, religious, cultural, exhibitional, organisational or similar events held at stadiums, venues or along a route;
  - (b) accountability of event role players;
  - (c) certain prohibitions;
  - (d) risk categorisation of events;
  - (e) the establishment of measures to deal with safety and security at events;
  - (f) the accreditation of role-players at events;
  - (g) event ticketing;
  - (h) the control of access of spectators and vehicles at events; and

- (i) the issuing of safety certificates for planned or existing stadiums or venues;
- 3. Before the kick-off of the Soweto derby between Orlando Pirates and Kaizer Chiefs on Saturday, 29 July 2017 at the FNB Stadium -
  - 3.1 two soccer fans died;
  - 3.2 two soccer fans were critically injured; and
  - 3.3 at least 19 other soccer fans, including a child, suffered minor injuries;
- 4. The Committee must, in particular, investigate, make findings and recommendations, and report on the following:
  - 4.1 The circumstances and factual situation that led to the death of two soccer fans and injury to other 21 fans;
    - 4.1.1 the events that took place on the day in question;
    - 4.1.2 factors which preceded the event and which led to the tragedy;
    - 4.1.3 whether any conduct or omission by any person or body either intentionally or negligently contravened any provision of the SASREA and, or its Regulations;
    - 4.1.4 whether sufficient personnel responsible for safety and security at the soccer match on 29 July 2017 were duly appointed and on duty at the match and whether they fully understood their role and functions as required by section 4 (4) (a) of the SASREA;
    - 4.1.5 whether the event ticketing procedures as prescribed in terms of the section 19 (1) to (7) of the SASREA were effectively and sufficiently in place;

- 4.1.6 whether spectator and vehicle access areas in terms of section 20 of the SASREA were clearly demarcated, constantly monitored, controlled and properly deployed by a sufficient number of personnel; and
- 4.1.7 whether any act or omission by any person or body created an environment which was conducive to the stampede or commotion that resulted in the death of two spectators and injury to others spectators;
- 4.2 Investigate and report to SRSA on any non-compliance by any person or body with the provisions of the SASREA or any other applicable laws that could have caused or contributed to cause the disaster on 29 July 2017;
- 4.3 Investigate and report on any irregularities discovered which have or could have contributed to the disaster on 29 July 2017;
- 4.4 Advise on the effectiveness and efficiency of the current administration of soccer at soccer matches and in particular identify all aspects of the current soccer administrative system which encourages illegal practices relative to soccer matches at stadiums, especially the contravention of the provisions of the SASREA;
- 4.5 Enquire into and report on the degree of compliance by the Premier Soccer League (“**PSL**”), the South African Football Association (“**SAFA**”) and the event organiser, event safety and security planning committee and venue operation centre, the SAPS and security service provider or its staff, amongst others, relative to the soccer match on 29 July 2017, with applicable laws especially insofar as the provisions of the SASREA are concerned;

- 4.6 Recommend ways to eliminate deficiencies or shortcomings identified by the committee; and
  - 4.7 Recommend systems, practices and procedures to improve the administration of soccer, facilitate compliance with applicable laws, especially when weighed against the SASREA, and to optimise the provision of services and duties rendered and performed respectively by all role players and stakeholders and its staff at soccer matches at stadiums in the Republic.
5. The committee may be assisted by such persons as the chairperson may consider for the proper execution of administrative functions of the Committee or such persons as may be appointed by SRSA.

### **Infrastructure and Logistics**

- 6. The infrastructure and logistics surrounding the Terms of Reference of the Committee will be subject to and must be dealt with in terms of the relevant prescripts of Sport and Recreation South Africa.
- 7. The payments and allowances to be made to the committee member must be determined in terms of the Annual Circular for Remuneration of Boards and Committees.
- 8. The Committee shall be subject to and be conducted in terms of the provisions of regulation 20 of the Treasury Regulations.
- 9. These terms of reference may be added to, varied or amended from time to time as and when necessary.
- 10. The Committee shall finalize its work within a period of three (3) months from the date hereof and must submit its final report to the Minister of Sport and Recreation within a period of one (1) month after the date on which it completes its work: Provided that the Minister of Sport and Recreation may be approached by the Committee with a

written request to grant to the Committee an extension of the 3 months' deadline period for an additional period as determined by the Minister in writing in relation to the finalization of the committee's work and/or the submission of its final report to the Minister.

11. The Committee shall where appropriate, refer any matter for prosecution, further investigation by an appropriate law enforcement agency, government department or regulator regarding the conduct of a certain person/s.
12. The rules to facilitate the gathering of evidence and securing the attendance of witnesses and the production of documents during the investigation encapsulate the following, amongst others:

- 12.1 The Committee may sit at any place in the Republic for the purpose of hearing evidence or addresses or of deliberating;

- 12.2 For the purpose of ascertaining any matter relating to the subject of its investigations, the Committee shall have the powers to summon witnesses, to cause an oath or affirmation to be administered to them, to examine them, and to call for the production of books, documents and objects;

- 12.3 A summons for the attendance of a witness or for the production of any book, document or object before the Committee shall be signed and issued by the chairperson of the Committee in a form prescribed by him or her and shall be served in the same manner as a summons for the attendance of a witness at a criminal trial in a superior court at the place where the attendance or production is to take place;

- 12.4 If required to do so by the chairperson of the Committee a witness shall, before giving evidence, take an oath or

make an affirmation which oath or affirmation shall administered by the chairperson of the Committee;

- 12.5 Any person who wilfully interrupts the proceedings of the Committee or who wilfully hinders or obstructs the Committee in the performance of its functions shall be guilty of an offence and liable on conviction to a fine not exceeding R 5 000-00 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment;
- 12.6 Any person summoned to attend and give evidence or to produce any book, document or object before the Committee who, without sufficient cause (the onus of proof whereof shall rest upon him or her) fails to attend at the time and place specified in the summons, or to remain in attendance until the conclusion of the inquiry or until he or she is excused by the chairperson of the Committee from further attendance, or having attended, refuses to be sworn or to make affirmation as a witness after he or she has been required by the chairperson of the Committee to do so or, having been sworn or having made affirmation, fails to answer fully and satisfactorily any question lawfully put to him or her, or fails to produce any book, document or object in his or her possession or custody or under his control, which he or she has been summoned to produce, shall be guilty of an offence and liable on conviction to a fine not exceeding R 5 000-00 or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment; and
- 12.7 Any person who after having been sworn or having made affirmation, gives false evidence before the Committee on any matter, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence liable on conviction to a fine not exceeding R 10

000-00 or to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment.

**Invitation to make written submission in writing**

The public hereby invited to make written submissions in the above regard to the Committee, strictly in line with the Terms of Reference via any of the following communication tools:

**E-mail : [footballEnquiry@srsa.gov.za](mailto:footballEnquiry@srsa.gov.za)**

**Fax:** 0866449707

**Postal address:** Sport and Recreation SA, Private Bag X 896, PRETORIA, 0001

**Physical Address:** Sport and Recreation SA, Committee of Enquiry-8<sup>th</sup> Floor, Regent Place Building, C/o Queen and Madiba St, Pretoria.

Your written submissions must reach the Committee **not later than noon on 24 November 2017.**

The Terms of Reference referred to above can be obtained via the website of Sport and Recreation SA at [www.srsa.gov.za](http://www.srsa.gov.za)

The Committee in its discretion, may subsequently, in terms of par. 12.2 of its Terms of Reference, invite persons who have made such written submissions to address it orally. Persons making such written submissions will be entitled to be legally represented at the meetings of the Committee, if they so wish.