



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

LEGAL SERVICES

PO Box 15 Cape Town 8000 Republic of South Africa
Tel: 27 (21) 403 2911
www.parliament.gov.za

COMPOSITION OF THE APPEAL BOARD IN TERMS OF THE SAFETY AT SPORTS AND RECREATIONAL EVENTS ACT, 2010

Composition

- Appeal Board consists of at least 7 persons appointed by the Minister on the advice of the National Assembly.
- The seven appointees are derived from the process that ensures public participation during the nomination process together with transparency and openness in the entire appointment process.
- The nomination process has culminated into a list from applications that were submitted to Parliament
- The Portfolio Committee on Sport and Recreation (Committee) is currently initiating the process to short-list candidates that can be interviewed to take appointment as members of the Appeal Board
- Once the Committee has chosen candidates who makes it to the short-list, the short listed candidates before the interviews takes place must be published by the Committee
- The Committee must advise or recommend at least seven persons from the nominations done by the public and interviewed by the Committee through an open and transparent process and qualifying candidates as outlined in the Act
- Once a recommendation of at least seven candidates is made to the Minister, the Minister must also publish every appointment of a member of the Appeal Board in the Gazette

Criteria to source and ensure qualifying candidates: competence and skills required (section 26 can be used to set the competence and skills required)

- The nomination list should at least have one person who is an admitted and practising attorney or advocate with at least two years experience in legal practice.
- The persons nominated must have special knowledge and expertise relating to safety and security as well as disaster management at events
- The members nominated by the public and short-listed by the Committee must collectively possess special knowledge and expertise relating to safety and security as well as disaster management at events
- They must be committed to fairness, openness and accountability on the part of those holding public office

For purposes of vetting, these are considerations to take (section 34 can be used as vetting criteria)

- Nominated and short-listed persons must be South African citizens or be a permanent resident of this country
- Must not have been declared by a court of law to be mentally ill or mentally disordered
- Must not have a conviction after 2 August 2010 of any offence to which punishment was imprisonment without the option of a fine



- Must never have been convicted, prior to 2 August 2010 or at any time after the Act came into effect, of theft, fraud, forgery, uttering a forged document, perjury or an offence in terms of the Prevention and Combating of Corrupt Activities Act, 2004 or the repealed Prevention of Corruption Act, 1958 and Corruption Act, 1992
- Must not have been convicted either in the Republic or anywhere else of any offence corresponding materially with offences determined by the following Acts, namely the repealed Corruption Act, 1992 or Prevention of Corruption Act, 1958 and the current Prevention and Combating of Corrupt Activities Act, 2004 and any other offence involving dishonesty
- Must not have been convicted of any offence under this Act

My recommendations or comments

- Persons involved in or with knowledge in the health sector or local authority disaster management departments or centers or with expertise of the list outlined in sections 15 and 16 of the Act could also be utilised by the Committee to widen the criteria
- Nominated and short-listed candidates must reflect broadly on race and gender composition of South Africa and
- must assess professional ethics

Tasks of the Appeal Board

- Must hear disputes that arise in terms of this Act
- Must hear appeals from aggrieved persons as a result of decisions made in terms of this Act which may relate to:
 - ✓ Risk categorisation of an event
 - ✓ Issuing of safety certificates
 - ✓ Issuing of prohibition notices
 - ✓ Issuing of spectator exclusion notices

All the above information is sourced from Part 2 of Chapter 3 of the Safety at Sports and Recreational Events Act. Sections that provide specific guidance on the proper appointment and sets out the likely criteria to follow include sections 15, 16, 26, 34 and 36 of the Act.

The principles stipulated in terms of section 198(a) of the Constitution can also guide the Committee. This provision stipulates as follows:

198(a) National security must reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want to seek a better life.

Conflict of interest concern

I foresee nothing legally concerning if the federations nominate their preferred candidates. As long as such a process is part of the nomination by the public participation process it can be most beneficial to the Committee and ensure relevant public involvement. I mention this in light of the added benefit that federations can nominate persons that are known in the field and possess relevant and required expertise and experience in line with the provisions of the Act.