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## **REPRESENTATION IN RESPECT OF THE SAFETY AT SPORTS AND RECREATIONAL EVENTS BILL**

### **COMMENTS SAFETY AT SPORTS AND RECREATIONAL EVENTS BILL**

#### **1. Chapter 1**

The term "emergency services" should not be defined to include disaster management or any other department which is not an emergency medical service or a service which includes fire brigade services and fire rescue services. Only the fire and medical components can be regarded as emergency services as these services respond immediately to events which are an emergency. Disaster Management is not generally immediately activated in an emergency as per requirements and processes contained in the Disaster Management Act, Act 57 of 2002.

Essential services are not always within the administration of a local authority as assumed in the definition of essential services. In more rural areas electricity could for example be delivered directly by Eskom, while other essential services such as waste management could be privatized. It is proposed that the definition of essential services to also provide for the provision of essential services by other spheres other than local government or by parastatals or the private sector be revised.

The stadium definition can be interpreted to significant numbers of large churches, conference venues, concert halls and multi-purpose auditoria. This could create problems relating to the

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expected volume of events schedules that the National Commissioner may need to consider. Owners of such venues will also have a new legal obligation and administrative duty that they will need to be informed of. If the large volume will not be a problem then no change is necessary. If volume would present a problem the definition needs to be refined.

The definition of venue excludes stadia while the definition of VOC – *Venue Operations Centre* – applies to stadiums as well. This is not a problem in itself but the definition of VOC (*Venue Operations Centre*) then becomes confusing and ambiguous - a stadium requires a *Venue Operations Centre* but it is not considered to be a “*Venue*”. Include stadiums in the definition of venue as the wider concept, or the possible confusion can be avoided by renaming the VOC to an *Event Safety and Security Operations Centre (ESSOC)* or some other more appropriate name.

The venue definition can be interpreted to include significant numbers of large churches, conference venues, concert halls and multi-purpose auditoria as well as school and community sports fields and parks. This could create problems relating to the expected volume of events schedules that the National Commissioner may need to consider. Owners of such venues will also have a new legal obligation and administrative duty that they will need to be informed of. If large volumes will not be a problem then no change is necessary. If volumes would present a problem the definition needs to be refined.

Also, while the minimum limit of 2000 is good because it puts a lowest limit on events that need to be planned for and which will result in administrative and operational commitments by the state. The list of excluded private events as envisaged in Section 15 may further reduce the burden on the state. However, the argument that an event hosting 60 000 spectators may result in 0 injuries while a much smaller event hosting less than 2 000 spectators may result in many fatalities still holds water. One only has to consider the numerous incidents of fires in night clubs and other venues. If smaller high risk events will not be covered by this legislation it would be beneficial to at least refer to other legislation that does apply to such smaller events, such as *Occupational Health and Safety* and other legislation. This should serve to discourage event organizers from trying to keep their attendance just below 2 000 so that they can avoid additional expenses and burdens. The *Safety at Sports and Recreational Events Act* should be seen as additional measures applying to bigger events which are already governed by existing safety legislation.

## 2. Chapter 2, Section 5

In the event of a medium and high risk determination by the Commissioner, it would be evident that should an incident occur that that incident may be considered a disaster after it has been initially assessed. In that instance, the provisions of this Act may no longer apply and the provisions of the *Disaster Management Act* now become relevant. It then stands to reason that when the Commissioner considers a medium or high risk classification that the Commissioner **MUST**, prior to the classification, consult with the *Municipal Disaster Management Centre* in whose jurisdiction the event is to occur.

The above has an impact on other sections of the Bill.

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Also, the Head of a municipal, provincial national disaster management centre must have the necessary training (qualifications) and experience to consider the above risk. Standards and requirements should be set for all persons who may have a responsibility to classify an event.

One can assume that the definitions of venue and stadium which refer to a minimum capacity of 2 000 does establish a lower limit of applicability. No such lower limit seems to apply to routes. There may still be room for interpreting this section as applying to any planned event, and that every such event, irrespective of its size, should be submitted to the Commissioner, and that the Minister would need to be informed of the categorization or the refusal of categorization for every single one of these incidents. This would obviously place an unwelcome burden on the state. Establishing a minimum spectator or participant number for events to which this legislation would apply could be seen as ignoring the fact that small events may also be high risk events. A minimum level for the applicability of this legislation needs to be determined based on easily recognizable risk indicators other than only the number of spectators. This in turn would mean that the Commissioner would have to consider a risk classification which may be outside his / her security proficiency and which is founded in the realm of Disaster Management.

3. Chapter 2, Section 5(7) (new)

Include: "(v) whether disaster management plans exist for the venue "

4. Chapter 2, Section 5 (13) (new)

Include: A municipal disaster management centre must, on notification of any high risk event classification, perform a disaster risk assessment and inform the Commissioner of the result of such assessment within 21 days of being informed of such classification.

5. Section 7(3)

A high risk safety certificate should only be issued if the municipal disaster management centre is of the view that such a certificate would indicate sufficient **disaster** preparedness for the venue / event. This is especially critical when reading section 8(4)(C).

6. Section 8

"prescribed criteria and other requirements to be met to qualify for a stadium or venue safety certificate" – see Section 8(3), complicates the issuing of such certificates by local authorities – see Section 12. The question is whether a safety certificate could be issued if compliance is not yet in place. It is difficult to imagine that a local authority would run the risk of issuing a safety certificate when it knows that the ministers as mentioned in Section 8(2) have issued requirements which the stadium or venue involved does not yet comply with. Clarity is needed on how the issuing of requirements by the ministers will influence the content of safety certificates compiled by local authorities and the Commissioner

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(perhaps future requirements and the due date for compliance with such future requirements should be mentioned in the certificate but not determine whether the certificate will be issued or not.) If at all possible some form of national standardization on the contents of safety and grading certificates should be encouraged and enforced.

7. Sections 9 and 10

When a new stadium or extension to an existing stadium is done the impact of this must be considered from a disaster risk viewpoint as this may change the disaster risk profile of the area in which the stadium is considered. This may in turn have a drastic negative impact of the disaster preparedness of the municipality to cope with a disaster in that specific area and may cause the municipality to amend its disaster risk classification for the area.

8. Section 11

The commissioner should only be permitted to issue a high-risk event safety certificate after consultation with the municipal disaster management centre, who should further consult with other relevant municipal services.

9. Section 14.4.b

The appointment of inspectors, is open to misinterpretation. The term "at least one of the persons appointed" is unclear about its application. The question arises whether it applies to at least one of the persons appointed by a single local authority, or to at least one of the persons appointed at some other level or scale. Insert: ".. by any single local authority.."

While it is accepted that a medical qualification would be useful in inspecting event safety, other skills such as occupational health and safety or building safety inspection might be even more useful. It is suggested that the skills required by inspectors be expanded.

10. Section 16

It is not immediately clear which party would be responsible for secretariat services required for the Events Safety & Security Planning Committee. The authorized member should be assigned in Section 16.4 with the duty to perform secretariat services for the committee and to write correspondence on behalf of committee.

11. Section 17

In Section 17.1.b.iii the reference to emergency services representation is in the singular, while it is most likely that more than one emergency service will be involved. The reference should be in the plural, and references to other stakeholders may also need to be in the plural.

The decision-making process of the Committee is not described in Section 17.

The question that may arise is on what basis decisions must be made by the committee. Will consensus decision-making be required in the planning phase or will the "authorized member" always have a veto right on all decisions based on the powers of the "authorized

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member” as described in Section 16.4.d? This would imply that a SAPS Captain will always be able to overrule medical doctors on issues of emergency medical care, structural engineers on safe construction measures, and transport engineers on traffic management. The old issue of safety vs security applies here. A fire escape locked with a lock and chain is secure, but not safe at all. A basis for decision-making should be described in Section 17. If consensus decision-making is deemed to be an inappropriate model, some recourse should be offered to committee members who cannot, out of professional duty, agree with a decision made by the “authorized member”.

#### 12. Plans: sections 17 and 18.

There seems to be ~~some room~~ for confusion regarding the event safety and security planning and the documentation (plan) that needs to be produced in this regard. Compare Sections 17 and 18 where it seems two different types of plan is being mentioned. It is suggested that clarity on the distinction between the two types of plan be provided or to use the same name if it is a single plan being referred to.

#### 13. Section 18(3)(a)

~~When the provisions of the Disaster Management Act are considered, then it is unnecessary for a disaster management official to be present in the VOC. However, when more than one event in a municipality is occurring simultaneously, the municipal disaster management centre should be in a position to monitor through reports or other electronic means the events so as to provide early warning. This is necessary as an incident may give rise to an event which may be later classified as a disaster and to ensure that appropriate and reasonable steps for early warning is taken and response mechanisms are timeously activated.~~

#### 14. Section 19

In Section 19(3), (5), (6) and (7) – insert “original and valid” before “accreditation card”. The same suggestion also applies to section 21 relating to vehicle and driver accreditation.

#### 15. Section 26

The appeal board could be dominated by security-focused services with little representation of safety-focused services. The Head of the National Disaster Management Centre (representing Disaster Management and Fire Brigade Services at a national level) in collaboration with a person of similar rank within the National Department of Health responsible for the national co-ordination of Emergency Medical Services should also be able to nominate a person or persons to the appeal board.

#### 16. General Comments

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A national schedule of events should be made available electronically on a web-enabled temporal (time-adjusting) geographic information system (GIS) with a temporal database. An electronic submission system may be developed to further speed up communication.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P Adams', with a horizontal line extending from the end of the signature.

**P ADAMS  
PRESIDENT**

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