

## Public Hearings Report of the Portfolio Committee on Sport and Recreation on Safety at Sport and Recreational Events Bill [B7-2009]

The Portfolio Committee on Sport and Recreation having conducted public hearings on the Safety at Sport and Recreational Events Bill [B7-2009] referred to the Committee in terms Joint Rules 159 and accordingly tagged as section 75 of the Constitution (Bill) in terms of the Joint Tagging Mechanism, the Committee held hearings in Mangaung, Mqohaka, City of Johannesburg, Ekurhuleni and Khayelitsha Municipality, Nelson Mandela Metro and George District Municipality, during late 2009, reports as follows:

### 1. Introduction and Background

The Ellis Park soccer disaster of 2001 and the subsequent findings and recommendations of the Commission of Enquiry into the Ellis Park Soccer Disaster chaired by Justice Ngoepe have necessitated the Safety at Sports and Recreational Events Bill.

On the 15<sup>th</sup> of April 2009 the Minister of Sport and Recreation, Rev Dr M Stofile tabled the Safety at Sport and Recreational Events Bill in terms of section 75 (1) of the Constitution.

### 2. Main Objectives of the Bill

In order to address the findings and recommendations of the said Commission of Enquiry, the Bill seeks to address the following, amongst others:

- The promotion of safety and the protection of the physical well-being of both persons attending sports and recreational events and their property at stadiums, other venues and, in the case of a race, tour or procession, along a route of such race, tour or procession;
- the protection of the rights of persons who attend sports and recreational events; requiring the controlling bodies of all sports and recreational events, event organizers and stadium and venue owners and their managements to place the broader sport and recreational interests above their own by the promotion
- Minimum safety and security standards at sports and recreational events;
- the promotion of spectator-friendly, secure sports and recreational events; and
- Safeguarding the interests of the Republic as a desirous destination for the hosting of major international sports and recreational events.

### 3. SUMMARY

Subsequent to the tabling of the above- mentioned Bill, the Office of the Speaker of the National Assembly(NA) referred in terms of Rule 106 of the NA both notice to the Portfolio Committee on Sport and Recreation for consideration and reporting. On the 6<sup>th</sup> of August 2009, the Portfolio Committee on Sport and Recreation took a decision during the proceedings of its meeting to conduct public hearings with interested stakeholders on 18,19,24 August 2009 in Parliament.

Further public hearings were conducted in the provinces of Free State from 10-11 September 2009 and Gauteng from 15-16 September 2009. Further public hearings were conducted in the provinces of Western Cape on 05 & 09 October 2009 and Eastern Cape from 29-30 October 2009. After the completion of the intense public engagement, the Committee continued with deliberations on the Bill which were held on 13, 14, and 21 October 2009 and on 18 and 19 November 2009.

## **1.2. Purpose**

The main purpose of the public hearings was to interact with internal and external stakeholders of the sports and recreational sectors so as to solicit their views and inputs; to establish whether the consultation processes were followed in formulation of the Bill and, to recommend to the National Assembly on whether to approve or disapprove the Safety at Sport and Recreational Events Bill [B7-2009] in terms of section 75 (1) of the Constitution.

## **1.3. Joint Delegation**

The delegation of the committee composed of the following members of parliament and officials:

Hon, BM Komphela, ANC

Hon, MM Dikgawci, ANC

Hon, M Mmusi, ANC

Hon, G Tseke, ANC

Hon, L Suka, ANC

Hon CT Frolick, ANC

Ms D Molebatsi, ANC-PC on Police

Hon, D Lee, DA

Hon JJ van der Linde, DA

Hon T Schaffer, DA-PC on Police

### **Support Staff**

Mr, L Phori, Committee Secretary, Committee Section

Mr, V Mfuniselwa, Committee Assistant, Committee Section

Ms Nonceba Mahlanyana, Committee Assistant, Committee Section

Mr, M Mdekazi, Committee Researcher, Research Unit

Ms Lokile Molefe, Media Officer at Media Services Unit

### **The stakeholders following hereunder made submissions on the Bill:**

Department of Sport and Recreation, Department of Police, State Law Advisors Office; Mr Leslie Sedibe( Head of Legal at 2010 FIFA LOC South Africa, Mr Jerome Valcke (FIFA-Secretary), Dr Montesh (Wits College of Law), Mr Zola Majavu (Head of Legal at PSL), Soul City: Executive Director Operations: Private Security Regulatory Authority, National Disaster Management Association; Private Security Industry Regulatory Authority (PSIRA); South African Council of Churches ; SAIL Event Management Companies, National Commissioner of Police; Cricket South Africa; South African Rugby Union; Boxing South Africa; Netball South Africa; Community Based Organisations in various municipalities: such as Moqhaka, Mangaung, Ekurhuleni, Johannesburg, Durban, Escort, Nelson Mandela and Buffalo City.

## **General concerns from participants during the public hearings on the Bill**

During the engagement with the internal stakeholders such as the representatives of organized sport and recreational events and members of the various communities major concerns were raised pertaining to municipal financial implications of the Bill, gross lack of facilities, smoking and alcohol abuse and lack of respect for demarcations for regional sports bodies.

- There was huge outcry over a serious lack of adequate basic sports facilities in almost all municipalities visited by the Committee
- The participants and other stakeholders involved in sports expressed concern over the non compliance with National Sport and Recreation Amendment Act.
- The lack of clearly defined demarcations had created splinters sports councils within one region such as in Nelson Mandela Metro and in the Eastern Cape in general.
- The inadequate training and education for the hub coordinators of sports and lack of support from the National Department of Sport and Recreation.
- Most sport and recreational events venues were not accommodating people with disabilities and children. The women participating in sports would like to see "child care centres" at stadiums and other sports venues.
- The smoking of cigarettes, dagga and alcohol abuse were a major setback for those attend events with their children. Therefore the stakeholders and participants appealed to the legislators to impose heavy penalties to anyone found smoking inside the sports venues.
- The reproduction of event tickets through fraudulent means was a major concern from the event organisers. It was hoped that the Bill would impose heavy penalties to curb this crime.
- There was serious concern over lack of provision of safety and security measures during the boxing matches for young boxers and amateurs. Stakeholders expressed concern that such inadequate measures were flouting the general provisions of the Boxing Act.
- The major concern was expressed by communities over the lack of protection from unscrupulous events organisers who cash-in without any regard for safety and security of the people attending their events.
- Events organisers were concerned about the turnover time within which the Event Safety and Security Planning Committee would report back on the risk categorization of events.
- The NGO's and other CBOs involved in the hosting and organising of sports and recreational events at schools and disadvantaged communities wanted exemption from the requirements for public liability insurance as provided for in the Bill. Therefore they suggested the review of the categorisation of events especially for non-profit making organisations.
- Stakeholders had raised concerns over the risk categorisation of events as medium to high risk. They were concerned that some of the small events and school events were small yet posed a huge safety and security risk. They felt that the Bill fall short of providing for such eventualities where events

organisers had expected smaller crowds and the spectators suddenly exceed the capacity of the stadium or the venue.

- The stakeholders further raised serious concerns over the use of alcohol, cigarettes and other drugs during events, including the spectators in the private suites.

## **Summary of the submissions and deliberations incorporated into clauses of the Bill**

### **2.1. Clause 1: Definitions**

The Chairperson of the Portfolio Committee for Sport & recreation requested the drafting team to consider the following submissions of, inter alia, the SAFA executive member for the Eastern Cape, the CEO of EP cricket & other sport & civic society stakeholders in the region.

Insert a reference in the long-title of the Bill regarding "Accountability" of event organizers, national controlling bodies etc. Insert a definition of "person" in the definitions clause so as to ensure that it covers juristic persons. Insert an additional requirement regarding timeframes for completion of extensions/alterations to stadiums in order to ensure that un-safe building/renovations works do not continue in-definitely where the stadium/venue is still being utilized for events.

"Keep it simple" was the clear message. Committee not in favour of the prescribed cross-referencing to Bill clauses approach. Where possible & subject to ensuring that legal interpretation challenges will not be an issue – substantive definitions of terms should be consistently applied throughout definitions clause.

Consideration must be given to the expansion of the definition of "Event" to include a specific reference to religious events (Look at previous definition in original longer version of the draft legislation). The Department is satisfied that the definitions of an "Event" and "Precinct" in Clause 1 of the Bill ensure that the regulatory ambit of the Bill will be applicable to the precincts surrounding Stadiums and Venues.

The Bill only makes reference to private security officers as contemplated in the private Security Industry Regulation Act 56 of 2001 on the one hand and "stewards" on the other. There is a clear delineation between the security functions to be undertaken by SIRA registered security officers and the safety functions of Stewards as more fully set out in Clause 3(4) (b) of the Bill.

The currently specified functions of a "steward" as currently set out in the Bill includes a 'marshalling' function. It is also submitted that the approach adopted in the Bill re the delineation between "stewards" and "private security officers" is in line with best international practice & trends and in particular the "UK Green Guide re Safety at Sports Grounds (5th edition)" - the leading international reference guide & authority on this matter . It was also appointed out that the SA LOC's 'General Secretary Concept' for 2010 as submitted to FIFA during June 2008 did not make a distinction between Stewards and Marshalls. As such it is the Department's position that the current position adopted in the Bill should be maintained.

During the deliberations on this matter, it was determined by the Members that a possible conflict between the provisions of the draft Bill and the PSIRA Act existed in as far as the current PSIRA definition of a "Security Service" in paragraph (d) of the definitions clause of the SIRA Act. The above related to a PSIRA reference to the provision of safety at a sporting or recreational event being registerable in terms of the SIRA legislation. It is proposed that this conflict should be dealt with in

consultation with SIRA and that the PSIRA Act be amended in line with the international best practice referred to - particularly as the PSIRA Act is aimed at the provision of a security service and not a safety related service.

An issue that was consistently raised during the Provincial Hearings of the joint Portfolio Committees was the stakeholder proposal that safety and access control in respect of physically challenged persons be incorporated by specific reference in the Bill.

Definition of Controlling Body – must include references to Provincial Federations. Debate as to whether SRSA should be excluded. In the end it was agreed that SRSA should be excluded whilst exclusion in respect of Sports Confederation should be removed.

Definition of "Event Planning Committee" – key provision within Bill – cross reference to Clause 16(1) of the Bill tells us nothing about what the Committee is and what it does – give it a proper definition. (Look at previous definition of "safety & security committee" in original longer version of the draft legislation).

Members reminded the Department that Danny Jordaan had referred to a new concept of "Marshalls" during his recent briefing of the Portfolio Committee with regard to the Confederations Cup. Members enquired as to whether the Bill incorporated the concept of "marshalls" as alluded to. Members also raised the issue of possible confusion around the "Steward" and "Security Officer" terminology. The Committee stated that the Bill should be aligned with best international practices in as far as this issue was concerned.

## **2.2 Clause 2: Application**

An exemption must be introduced into the Bill with reference to any sporting & recreational event which has been the subject of the provision of guarantees by the South African Government and/or the declaration of any such event as a "Major Event" by the South African Cabinet.

The current exemption applicable to "Water-Sports", incorporated at the instance of the Cabinet, should not form part of the Bill as certain forms of water-sports e.g. formula one power boat racing are extremely dangerous and can constitute a serious safety threat to spectators.

The Department submits that the definition of an event in the introduced version of the Bill should be reverted to as it does not refer to any spectator number threshold relating to applicability of the provisions of the Bill.

In order to ensure that the Bill is not over-reaching in its effect given the proposed definition of an event i.e. it does not provide for a minimum number of spectators at an event before the provisions of the Bill apply - it is proposed that clauses 5, 16, 18 & 24 be amended to specifically refer to events with a minimum spectator threshold of 2000 persons.

## **2.3 Clause 3: Role-Players for Safety and Security at Sports and Recreational Events**

Based on submissions by civic & sporting stakeholders in the Kroonstad & Gauteng jurisdictions, the Committee directed that Section 4 (8) (a) of the Bill be amended to reflect that an event organizer must, inter alia, be at least 21 years of age (previously the minimum age requirement was set out at 18 years of age). The current provisions of the Bill will be amended to reflect a minimum qualifying age of 21 years for an event organizer.

#### **2.4 Clause 4: Prohibition**

Remain unchanged in the as per original Bill submitted for consideration by the Portfolio Committee on Sport and Recreation with exception of cross-referencing with sub clauses changing in the numberings.

#### **2.5 Clause 5: Provisional Risk Categorisation by the National Police Commissioner**

The inclusion of the compulsory requirement for state & private sector security "pilot-projects/rehearsals" for high-risk events. Include a provision that all event advertisements & marketing material should include a statement that the event concerned is being organized in terms of the Act.

A provision dealing with suite-holder/sponsor control measures (impact of promotional "givaways" at events, liquor control in suites etc) needs to be incorporated within the Bill. The Committee proposed that the administrative processes in respect of the categorization process as contemplated in Clause's 5 & 6 should be solely undertaken by the National Commissioner.

The Department met, in this regard, with Mr. Leslie Sedibe (Legal Manager of the SA LOC) at Parliament, on 21 October 2009. Mr.Sedibe furnished the Department with the required insert during that meeting. Following review it has been incorporated within the provisions of Clause 5 the new version of the Bill.

The Department has made an insertion in this regard in the long title of the Bill. A definition of person has been inserted in the definitions clause of the Bill to accommodate this submission. A new sub-section has been incorporated within the old Clause 10 of the Bill to provide for timeframes for extensions/alterations to be affected by.

The provisions of the old clause 17 have been amended to provide for the compulsory involvement of inspectors within the ESSPC planning processes.

#### **2.6 Clause 7: Categories of Safety Certificates**

A provision dealing with environmental control/measures already appears in the old clause 17 (1) (d) of the Bill. The detail of the required environmental measures is already contained in the draft regulations to the Bill. An enabling provision in this regard has been inserted in the new clause 45 (2) of the Bill.

The department, following consultation with the SAPS, is strongly of the view that a low risk event organizer would not enjoy the same level of event risk management support as would be the case with medium & high risk events e.g. the compulsory involvement of SAPS and local authority emergency services in the event planning process. As such the low risk event organizer attracts more direct responsibilities & accountabilities in respect of the safety & security measures to be deployed at events.

The department, following consultation with the SAPS, has amended the provisions of the old Clause 26 of the Bill in this regard.

#### **2.7 Clause 8(read with Clause 9): Safety certification of existing stadiums or venues**

Provision should be made for the adequate access and facilities for persons with disabilities before safety certificates were issued by the Minister.

## **2.8 Clause 9: Safety certification of new stadiums or venues**

The current Clause of the Bill dealt with the requirement of minimum safety and security within sporting and recreational facilities in that a pre-requisite for the annual safety & security certification of sporting and recreational facilities is compliance with applicable national building legislation, local authority by-laws & building design guidelines of the SABS.

The current Clause of the Bill dealt in-directly with the requirement of minimum safety and security within sporting and recreational facilities in that a pre-requisite for the annual safety & security certification of sporting and recreational facilities is compliance with applicable national building legislation, local authority by-laws & building design guidelines of the SABS. In respect of a direct reference to minimum signage in stadiums/venues the Department will explore, in conjunction with the State Law Advisors, had proposed insertion in Clause 17 of the Bill. It is submitted that the detail relating to the installation of minimum safety & security signage should be provided for in the Regulations to the Bill.

This matter has repeatedly been raised at the public hearings. In respect of a direct reference to a provision dealing with minimum medical measures and emergency treatment of players at sports events the Department will explore, in conjunction with the State Law Advisors, a proposed insert in Clause 17 of the Bill. It is submitted that the detail relating to the provision of such minimum medical measures for players and spectators at events generally will be provided for in the soon to be promulgated "Regulations Governing Health and Medical Services at Mass gatherings Events in SA" which will shortly be issued by the Minister of Health in terms of the Health Act. It is the intention of the Department to cross-reference to these Health Regulations in its Regulations in terms of the Bill.

## **2.9 Clause 10: Safety Certification of alteration or extension to stadiums or venue**

The Department's view is that the Bill is a law of general application. Excluding small Municipalities from the regulatory ambit of the Bill in as far as infrastructural safety & security matters are concerned would defeat the whole purposes of the legislation and might be considered to be un-Constitutional.

As things stand now - low risk events do not attract compulsory compliance with all of the provisions of the Bill including required infrastructural up-grades. Such Municipal owner facilities will still be able to host events - be it only low risk ones. It is the Departments contention that the Public interest outweighs the risk of staging medium or high risk events in facilities that do not meet the safety requirements.

## **2.10 Clause 11: Safety Certification in respect of high risk events**

The event organisers should apply within sixty days prior to the event categorised as high risk event to the National Commissioner in a prescribed manner.

## **2.11 Clause 12: Contents of Safety Certificates**

The Department is of the view that the risk profiling criteria provided for in particular in clause 5 (7)(b) & (c) already cater for this scenario. In other words at a stage well before the event, the National Commissioner or his/her authorized member are, from a risk categorization and event safety & security planning perspective (see Clause 17 (1) (a)) would be considering whether say a venue in Khayelitsha catering for 2000 persons would be sufficient to host a mass, In examples where sports personalities such as Brian Habana would have an autograph signing session.

In addition the ESSPC is also obliged to consider the safety and grading certificate incorporating safe spectator capacity numbers at a venue provided for in terms of Clause 8 (4) (b) during its deliberations as to whether an event organizer proposed venue is suitable or not .

#### **2.12 Clause 13: Amendments of Safety Certificates**

Remain unchanged in the as per original Bill submitted for consideration by the Portfolio Committee on Sport and Recreation.

#### **2.13 Clause 14: Appointment of Inspectors**

Remain unchanged in the as per original Bill submitted for consideration by the Portfolio Committee on Sport and Recreation.

#### **2.14 Clause 15: Ministerial Powers to exempt certain private events**

The above provisions of the Bill will be amended to reflect that the Minister of Police will be responsible for the granting of exemptions re Private Events. It is also proposed that the clause itself be moved up and incorporated within the provisions of a new Clause 3 dealing with the Application of the Act.

In as far as the issue of whether the provisions of the Bill should apply to any size event hosted at a stadium, venue or along a route (e.g. high risk club rugby matches in the Western Cape) or whether the Bill should adopt international best practice of creating a minimum level before the provisions of the Bill "kick-in" e.g. 2000 persons is considered a matter for the Committee to pronounce upon. As far as the issue of the proposed limitation of liability is concerned we submit that this aspect is already covered in Clause 33 of the Bill.

#### **2.16 Clause 16/17: Establishment of the Safety and Security Planning Committee**

The Joint Committee requested the drafting team to introduce wording into Clauses 15(1) & 17(3) (b) to ensure that the SAPS members appointed to the ESSPC and VOC were "suitably qualified and experienced in event policing matters".

The Department is of the view that the provisions of Clause 17 should be amended to provide for the notification of SIRA by the Event Safety & Security Planning Committee of the intended deployment of security officers at an event.

It is the Departments considered view, following consultation with the SAPS, that an incorporation of this proposed amendment would un-necessarily burdensome on the SAPS as firstly here currently existed SAPS officials with the rank of Captain who are suitably qualified & who possess the necessary event experience.

SAPS was also of the view that the entertainment of such an amendment would constitute an unnecessary restriction on their operational flexibility. Secondly the test as to whether a SAPS official can be appointed as a VOC commander or not is a 2-pronged test. It is not just based on rank - it is also based on being suitably qualified & experienced.

The department is of the view, following consultation with SAPS that this key provision should remain within the domain of the SAPS's operational and administrative responsibilities in terms of the Bill.



### **2.17 Clause 18: Establishment of the Venue Operations Centre (VOC)**

Following public submissions during the public hearings in Gauteng Province (particularly that of the City of Johannesburg Disaster Management Department), Committee Members directed that the provisions of the Bill dealing with the Venue Operation Centre (VOC) should be "beefed-up".

The need arose particularly in as far as access control to VOC's, minimum VOC technical & equipping specifications & certification thereof by the Local Authority, VOC decision making matrixes, ensuring that senior members of safety & security disciplines represented in the VOC are empowered with decision making authority, that the superiors of appointed VOC representatives may not interfere in the VOC decision making processes and that appointed VOC representatives are to remain in the VOC throughout an event.

Following public submissions by, inter alia, SARU and SAIL, the Joint Committee requested the Department to explore whether any safeguards could be introduced into the Bill in order to protect event organizers and/or stadium owners from un-reasonable decisions by a SAPS VOC Commander, regarding for example, the issuing of a prohibition notice in circumstances where there would be a far-reaching commercial impact.

### **2.18 Clause 19: Accreditation of persons at events by the Controlling Body**

Provision should be made for the compulsory retention, by national controlling bodies, of SIRA compliant event safety & security officers who have been through a phased practical experience process- training games, friendlies and then medium to high risk league events.

The minimum requirement of the rank of Captain re the SAPS VOC commander should be re-considered namely a higher ranking official should be appointed, particularly for High Risk events.

The provisions of the old clause 16 (5) have been amended to provide for the accountability (as well as liability) of any person responsible for the provision of safety & security at an event.

The term "national controlling body" has been inserted into the old clause 17 (1) (b) of the Bill in respect of High risk events only. It is the Departments considered view, following consultation with the SAPS, that an incorporation of this proposed amendment would put un-necessary burdensome on, inter alia, SAPS & event organizers.

### **2.19 Clause 20: Regulation of Ticket Sales**

The Chairperson of the Sports & Recreation Committee requested the Department to urgently liaise with the SA LOC and their legal advisors in connection with the incorporation of their required wording in order to give effect to the commercial protection of 2010 FIFA World Cup SA™ ticketing interests.

The Department will insert a new sub-section (7) in section 20 in order to accommodate this directive. The proposed wording is as follows: "An event ticket must at a minimum contain information relating to the venue of the event, nature of the event, the date, day and time of the event, the venue layout plan with block or sector spectator orientation information and conditions of entry to the event.

### **2.20 Clause 21 & 22: Regulation of Spectator and Vehicle Access**

Members requested that a specific offence relating to the illegal parking of vehicles within TFZ's/TWZ's be introduced into the new Clause 44 dealing with offences.

This provision of the Bill should be amended in line with the provisions of the 2010 Special Measures Act 11 of 2006 in as far as spectator & vehicular searches are concerned. Only peace officers will be entitled to conduct physical searches.

It is suggested that an inclusion in Clause 21(6) of the Bill be incorporated that specifically provides for the refusal of access into a stadium or venue owner of a person who "appears to be intoxicated." Clause 28 will be amended to reflect this Committee proposal.

It is submitted that this proposal will be better dealt with in the Regulations as one of the prescribed prohibited and restricted items contemplated in Clause 17 (1)(d). Clause 17 (1)(d) will also be amended to reflect a measure relating to prescribed prohibited and restricted items.

The current provisions of Clause 17 (1) (d) of the Bill will be amended to reflect the request of the Joint Committee in this regard. However the detail regarding event vehicular parking measures will be captured in the Regulations.

#### **2.21 Clause 22: Prohibition Notices**

It is suggested that an inclusion in Clause 22 of the Bill be incorporated after the definition of "prohibition notice" the following definition; "“registered person” meaning a person defined in section 1 of the Engineering Profession Act, 2000 (Act No. 46 of 2000), and registered under the category of Professional Engineer; Professional Engineering Technologist; Professional Certificated Engineer; or Professional Engineering Technician in terms of section 8 of that Act.”

#### **2.22 Clause 23: Exclusion Notices**

Remain unchanged in the as per original Bill submitted for consideration by the Portfolio Committee on Sport and Recreation.

#### **2.23 Clause 26 & 27: Appeals & Appeals Board**

The Committee proposed that the Appeal Board provisions of the Bill (Clause 26) be amended to provide for the dissolution of the Board by the Minister in the event that the Board becomes dysfunctional/alternatively where the Minister loses confidence in the Board (see recent amendment to the Broadcasting Amendment Act in this regard)

The Board membership should be expanded to 7 members of whom 4 must be nominated and appointed by the Portfolio Committee through an interview processes whilst the Minister would nominate and appoint the balance of 3 members of that board.

The Minister must appoint the Chairperson; the legal qualification requirement re the nominated attorney should be reduced from 5 years to 2 years as per the National Sports & Recreation Act. A provision dealing with quorums should be introduced into the Bill. A quorum of 3 members was indicated.

The Appeal provisions should ensure that the Appeal processes are not abused by the "dragging out of a matter" in order to frustrate the application of the administrative action of officials referred to in the Bill.

#### **2.24 Clause 28: Public Liability Insurance**

The Departments position is that the costs attributable to the proposed compulsory taking out of valid public liability insurance are reasonable and not excessive or burdensome. By way of illustration it has been determined that the current annual public liability insurance premium for R 30 million cover in respect of the Ellis Park Stadium is R190 000 p.a. The total paid was equated to R 15 800 per month.

Ellis Park currently hosted 30-35 spectator events per annum. This equates to approximately R 5430 per event in respect of public liability insurance.

Obviously the premiums for public liability insurance are more expensive where it is taken out on an event per event basis e.g. Free State Rugby Union at R25 000 per event based on a capacity spectator event at the Free State Stadium. During the Gauteng Provincial public hearings the head legal advisor of SAIL stated on 2 occasions that they, as an event organizer, view public liability insurance as a non-negotiable as far as their hosting of events are concerned and that in her opinion the costs of same are not excessive.

The Department is of the view that the creation of such a proviso could create an operational environment ("loop-hole") where un-scrupulous event organizers would attempt to hide behind the "smoke-screen" of an NGO in order to circumvent the provisions of the Bill.

It is submitted by the Department that this proposal will be better dealt with in the Regulations to the Bill as per the enabling provisions contained in, inter alia, Clause 16 (3) (b) (iii) of the Bill.

#### **2.25 Clause 29: Fees**

Remain unchanged in the as per original Bill submitted for consideration by the Portfolio Committee on Sport and Recreation.

#### **2.26 Clause 30: Offences and Penalties**

The offences clause of the Bill (Clause 30) will be amended as follows - a differentiated schedule of offences and penalties will be introduced. The proposed maximum penalty of imprisonment will be increased in respect of the more serious offences such as failure to put public liability insurance in place in circumstances where serious incidents occur. The current schedule of offences will be reviewed to determine whether there are additional offences flowing from the provisions of the Bill which are not covered by existing common or statutory law.

An exemption will be drafted & incorporated into the Bill in such a manner that such exemption will not exclude all of the provisions of the Bill e.g. the prohibitions re Match Ticketing. It is suggested that this provision will be incorporated within the existing provisions of Clause 2 (Application of the Act) of the Bill. The current provisions dealing with this exemption as per Clause 2 (2) (b) will be deleted from the current version of the Bill.

The Department is satisfied that the current provisions of the Bill are aligned with our Constitution and a whole chain of case law, including Constitutional Court cases, in connection with the inspection of business premises at reasonable times during the day. Such precedent also deals with the situation where businesses are conducted from residential homes.

### **3.1 Public Hearings held at Parliament: Summary of Submissions**

#### **3.1 Legislative Overview: Patrick Ronen, Specialist Legal Consultant on the Bill**

Patrick Ronen took the meeting through the critical areas and provisions of the Bill. He took the public/meeting through the thrust of the Bill, such as the public insurance liability, safety certificates, proper ticketing, surveillance, risk categorisation of events. The phasing in period for various events organisers such as local municipalities, stadium managers. Thereafter the stakeholders and other interested parties were invited to give oral inputs and submissions.

#### **3.1.1 Department of Sport and Recreation**

The Department of Sport and Recreation presented an overview of the Bill and expressed its support for the Bill in its entity and undertook to work together with the sister department of Police in implementing the Bill once Parliament approved it. The Department cautioned that this Bill was not enacted and meant for the 2010 FIFA Soccer World Cup. Therefore the 2010 World Cup was an event as defined in terms of the Bill, but the Department was well aware of the government guarantees signed with FIFA by the SA government.

However the Department expressed concern over the roles and responsibility of the Minister of Sport and Recreation as provided for in the Bill. They submitted that some of the obligations placed by the Bill upon the Minister were not within the ambit of his powers. Therefore the Department urged the Committee to consider amending some of the provisions relating to the powers of the Minister of Sport and Recreation which were overreaching.

#### **3.1.2 Department of Police**

Director General of the Department of Police (formerly known as safety and security) submitted comments and made presentation on the Bill. In the early stages during the submissions on the Bill, the Police Department expressed the view that the Safety at Sport and Recreational Events Bill in its current form should become the competency of the Police Department.

The Police Department submitted that the lines of responsibilities between the Ministries of Police and Sport and Recreation were blurred by the provisions relating to regulatory powers in terms of the Bill.

Police Department submitted that in order to avoid the aforesaid blurring of powers of the relevant Ministers, the Regulation of Gatherings Act, 205 of 1995 had to be amended to provide for the policing powers where recreational events were concerned.

The Police Department expressed concern over the dilution of the powers of the National Police Committee whereby his powers were extended to cover the scope of the sporting and recreational events. The Police

Department further expressed view that the Bill should be split and the two Bills should be dealt with separately by the Committees of Police and Sport and Recreation.

### **3.1.4 FIFA Secretary: Mr Jerome Valcke**

FIFA strongly appealed to the Committee to "suspend the legislative process" until after the 2010 FIFA World Cup SA. In addition submitted that the legislative process would be better served by "the transforming of the experiences gained during the 2010 FIFA World Cup SA into a new law". FIFA was very concerned about the various far-reaching impacts that the Bill could have on the organization and staging of the 2010 FIFA World Cup SA. The Bill "is under many perspectives deviating from the undertakings, representations and warranties of the South African Government" in respect of the hosting of the 2010 FIFA World Cup SA™; and the Bill "would also create an enormous practical impact on the hosting and staging of the 2010 FIFA World Cup SA.

### **3.1.5 The FIFA 2010 South Africa LOC**

The LOC raised numerous concerns over the Government guarantees signed by South African government with FIFA upon the award of the 2010 World Cup. The Bill could have negative impact on those guarantees signed with FIFA hence LOC proposed that the passing of the Bill should be delayed until after the FIFA 2010 Soccer World Cup. Raised concern over the impact of regulations over the already existing contractual obligations with the FIFA and its commercial partners.

### **3.1.6 Premier Soccer League**

The vast majority of their inputs supported the Bill. The league expressed serious concern over the prohibition notices on constitutional grounds and submitted that such clauses would attract constitutional challenge. In addition, the league expressed concern over the turnaround times for the return of applications after consideration by the National Commissioner. The requirements for upgrading of existing stadiums would place huge financial burden on municipalities wherein most of the league fixtures were implemented.

### **3.1.7 Private Security Regulatory Authority (PSIRA)**

The vast majority of their inputs supported the Bill. The joint committee on Sport and Recreation and Safety and Security (hereinafter referred to as "the committee") has in essence recommended that we consult with them by submitting our draft regulations for their comments.

The Regulator submitted that a possible conflict between the provisions of the draft Bill and the SIRA Act existed in as far as the current PSIRA definition of a "Security Service" in paragraph (d) of the definitions clause of the PSIRA Act. The above related to a SIRA reference to the provision of safety at a sporting or recreational event being registerable in terms of the PSIRA legislation.

### **3.1.8 Gun Free South Africa**

The vast majority of their inputs supported the Bill. The Council had recommended that we must make specific provision in the Bill for "total prohibition" of guns and firearms for spectators attending events at stadia and other

venues as clause 21(17) only refers to prescribed measures to control spectators and vehicles. The vast majority of their submissions already incorporated into the Firearms Control Act.

### **3.1.9 South City Institute**

The majority of their inputs can be considered (our draft Safety Regulations already deal adequately to a great extent with most of the issues raised by them). The joint committee on Sport and Recreation and Safety and Security (hereinafter referred to as "the committee") has in essence recommended that we consult with them by submitting our draft regulations for their comments.

### **3.1.10 South African Council of Churches**

The vast majority of their inputs supported the Bill. The Council had recommended that we must make specific provision in the Bill for "disabled persons" attending events at stadia and other venues as clause 21(17) only refers to prescribed measures to control spectators and vehicles.

### **Disaster Management Unit**

In essence they support the Bill. Essential services, however, are not always provided by Local Authority e.g. small rural municipalities (the definition of "essential services" should, therefore, be redrafted to cater for the outsourcing of electricity and other essential services where a Local Authority does have the necessary infrastructure to provide for it. The Appeal Board provision should also be amended to include a person from disaster management to form part of the members.

### **3.1.11 Boxing South Africa**

They supported the Bill. BSA submitted that the overall objective of the Bill was further amplified by the safety requirements expounded in terms of the Boxing Act.

### **3.1.12 National Council against Smoking**

Apart from minor differences they also support the Bill (e.g. they do not support designated areas behind spectator viewing area, but smokers should rather be directed to go and smoke in the street, etc.). The committee in essence has recommended that we consult our draft Safety Regulations with them too so as to cater for their inputs by submitting our draft regulations for their comments.

### **3.1.13 South African Rugby Union**

They supported the Bill. Nonetheless the provincial rugby federations attended the public hearings in their respective provinces. The SA Rugby leadership had convened a strategic workshop together with the Department of Sport and Recreation to further orientate their structures on the aims and objectives of the Bill.

### **3.1.14 Cricket South Africa**

Apart from minor differences they also support the Bill (e.g. they do not support designated areas behind spectator viewing area, but smokers should rather be directed to go and smoke in the street, etc.). The committee in essence has recommended that we consult our draft Safety Regulations with them too so as to cater for their inputs by submitting our draft regulations for their comments.

## Public Hearings during the Provincial Oversight Visit on the Bill

### 2.2. Moqhaka Local Municipality

The general public within the Community of Moqhaka raised concern over the usage of English and lamented the use of English at the Public Hearings as it made it difficult for most to participate in the legislative-making process. However this concern was addressed when Mr Komphela volunteered to interpret in Sesotho after the overview of the Bill was presented by the Consultant, Mr Patrick Ronen. Mr Komphela also highlighted the need for the Bill to be printed in all the official languages prior to the public hearings being conducted by the National Assembly. He pointed out that smaller municipalities were granted a waiting period of 2 years within which to comply with the provisions and requirements of the Safety at Sport and Recreational Events Bill. Whereas the bigger Metros like Johannesburg, Durban and Cape Town were required to comply with the Bill within a period of 5 years.

Mr Magagula from the Moqhaka Sports Council raised concern over fines and penalties which were being imposed in terms of the non-compliance with these onerous requirements especially for smaller sports and recreational bodies organising events. He observed that the Bill does not adequately address the safety concerns of the disabled and children during sports and recreational events. He noted that the Bill also omitted the indoor sports and recreational events in their venues under the definitions section of the Bill.

The Disaster Management Unit of Moqhaka supported the Bill in its entirety and raised concern over the lack of facilities and equipment during emergencies whenever there were sports events. Another major concern came from the sports and recreational events organised within the ambit of schools. The Bill was not clear on the roles and responsibilities of the educators and sports administrators. In addition, the school sport was not specifically excluded from application of the Bill. Therefore no exemption similar to the one applicable to swimming was granted to the school sports fraternity.

Mr Dick Nkuna highlighted the plight of sports organizers who were at the mercy of owners of the venues and stadiums. He alluded that the owners of the stadiums were allowing the events organizers to exceed the capacity of their venues and stadiums after applications were processed. He urged the Committee to ensure that culprits found guilty of breaking the law once the Bill becomes law, be brought to book in order to send a clear message to other events organizers.

The question of requisite age limit of 18 year-old became a major concern for the community. The general public raised concern over the 18 year-old being given authority to qualify as events organizers. Therefore the community implored the Committee to review the age and increase the age to 21 years.

Boxers at amateur level were being neglected and no safety and security measures were complied with. We have received a very positive feedback from communities and sectors since we started to implement these projects. The bulk infrastructure of Koukamma is been attended through the MIG projects. The board of DBSA approved R10 million for drought relief to alleviate the impact of the drought in our communities. The intervention carts water to communities, drilling and commissioning of boreholes and introduce a team to repair leaks and undertake urgent repairs to reticulation and other technical problems. The Council has also appointed a Town Planner to deal with the numerous complaints about land use and rezoning applications. This will also add necessary and much needed income to the coffers of the Municipality.

During the engagement with the internal stakeholders such as the representatives of organized labour and members of the ward committee as well as the external stakeholders such as the residence association major concerns were raised pertaining to service delivery. The main dissatisfactions raised by the organised labour related to lack of proper municipal plan with regard to service delivery. The major concerns raised by the residence association pertained to non-payment of service delivery rates and degradation of service delivery infrastructure. The major concerns raised by the members of ward committee pertained to the blocking of housing projects, poor payments of basic services such water, electricity and waste collection due to incorrect billing accounts prepared by the municipal officials.

### **2.3. Johannesburg Metropolitan Municipality**

#### **2.3.1 Legislative Overview: Safety at Sport and Recreational Events Bill [B7-2009]**

Patrick Ronen took the meeting through the critical areas and provisions of the Bill. He took the public/meeting through the thrust of the Bill, such as the public insurance liability, safety certificates, proper ticketing, surveillance, risk categorisation of events. The phasing in period for various events organisers such as local municipalities, stadium managers. Thereafter the stakeholders and other interested parties were invited to give oral inputs and submissions.

#### **2.3.2 Disaster Management Unit**

Mr Erasmus stressed that the VOC commander must be accredited and certified to deal with disasters emanating from the sports and recreational events. He emphasised the need for personnel stationed within the VOC area to have experience. He narrated the sad story about the Ellis Park Disaster and expressed the view that the disaster in question should have been avoided.

He noted that the VOC commander must ensure that all minimum standards of safety and security within the VOC were complied with prior to any event. He further raised the issue of noise levels around the stadiums which had negative impact on the surrounding residential area. They were fully in support of the Bill.

#### **2.3.3 Gun Free South Africa**

In essence, in support of the Bill and proposed that all sports and recreational events should be gun-free. Therefore they proposed that the prohibition on the firearms be incorporated into the Safety at Sport and



Recreational Events Bill. In essence proposed that the provisions on dealing with prohibition of firearms as espoused in terms of the Firearms Control Act be incorporated into the Bill.

#### **2.3.4 Provincial Commissioner of Police**

He indicated that the South African police service were in support of the entire Bill in order to prevent disasters such as one like the Ellis Park soccer disaster.. Therefore it was imperative that police and the personnel within the VOC area were communicating clearly and regularly during the sports and recreational events. However he disagreed that firearms should be banned from all sports activities since such prohibition would compromise the work of the police during and after the major sporting events.

#### **2.3.5 National Federation for Shooting Sport**

The NFSS submitted that they were in support of the Bill. However submitted that their sport of shooting was not dangerous and attracted smaller crowds of between hundred to six hundred spectators. The regional competitions of NFSS usually attracted approximately 1 400 spectators and therefore fall short of the threshold of minimum of 2000 people required in terms of the Bill. Notwithstanding this submission, the federation still had to comply with the Regulations promulgated under the Firearms Control Act. It was noted that during the games of shooting sport, no live ammunition was used and the incidents of risk of were very minimal. Therefore the NFSS proposed that their sport become exempted from the scope of the Bill. The NFSS expressed concern over the financial implications flowing from the applications for exemption of events from the operation of the Bill.

#### **2.3.6 SAIL Event Management**

Ms Maharaj noted that SAIL unequivocally supported the Bill in its entirety. According to SAIL, there were commercial and financial implications when some of the major events are being planned. It was unclear which size of the events was being covered in accordance with the scope of the Bill. In terms of the Section 24 of the Bill, ticketing per se is not a police function and it may curtail the powers of the events organizers.

The SAIL raised concern over the overriding powers in the Minister of Sport and Recreation. In fact the Bill should reside within the jurisdiction of the Minister of Police, it is their contention. The general concern over the national commissioner and all the applications and will the provision be given to events organizers be assured that the turnaround times be favourable to the events organizers.

#### **2.3.7. Response from the Department of Sport and Recreation: Matters arising from submissions**

Patrick Ronen took the meeting through the critical areas and provisions of the Bill. He took the public/meeting through the thrust of the Bill, such as the public insurance liability, safety certificates, proper ticketing, surveillance, risk categorisation of events. The phasing in period for various events organisers such as local municipalities, stadium managers. Thereafter the stakeholders and other interested parties were invited to give oral inputs and submissions.

### **3.1 Ekurhuleni Metropolitan Municipality**

#### **3.1.1 Disaster Management Unit**

They support this Bill and they will ensure compliance with its requirements. However the Unit has established a Coordinating Committee comprising of SAPS, Events Organizers, and Disaster Management Units. He said that the issue of the knowledge of the organizing events at the communities is a major challenge within the townships.

Therefore some of the events are not properly planned and the short period of organising. The crowd control and the same entrance and exit have become a major problem. Since the disasters during these political gatherings, the stadiums have been upgraded and venues are made safe and prevention major disasters could be avoided.

Raised the lack of presence of the senior officer from police in the VOC during the most events in the townships and some of the events will be hosted without their knowledge. This has created problems and the crowd control and policing and medical facilities not in place. The City of Ekurhuleni needed to inform the community during the hosting of major events and insufficient time for pre-planning during these major events. He urged the government to educate the people about the hosting of events through radios, Television and do away with other useless programmes. His Unit supports the Bill and have taken steps to implement some its tenets and provisions.

### **3.1.2 Cricket South Africa**

Mr Brandon Foot expressed the view that the entire board of CSA supported the Bill in its entirety. However the CSA had certain concerns over the turnaround times for the return of application being considered by the National Committee. CSA also proposed that events organisers should become part of the Safety Planning Committee in order to protect the commercial interest of their sponsors involved in the event.

A concern was also expressed with regard to unplanned events such as the IPL cricket tournament which was initially not going to be hosted by South Africa. Therefore the Bill fell short of making provision for events of this nature which were categorised as high risk and yet were awarded on short notice. Nonetheless, the Bill was necessary precursor for major sports events and provided safety for not only the spectators but for the players as well. Therefore Cricket South Africa supported the main thrust of the Bill.

### **3.1.3 Dr Montesh: UNISA College of Law**

The academic supported the Bill in its entirety but proposed that certain provisions relating to "football hooliganism" should be incorporated into the Bill. He raised concerns around the lack of safety on our borders and in our airports where the football hooliganism would find it easy to come into our country. He proposed that our intelligence agencies should work closely with Interpol in order to trace the hooligans and prevent them from entering our country during major sporting events such as the 2010 FIFA World Cup.

### **3.1.4 Legislative Overview: Safety at Sport and Recreational Events Bill [B7-2009]**

Patrick Ronen took the meeting through the critical areas and provisions of the Bill. He took the public/meeting through the thrust of the Bill, such as the public insurance liability, safety certificates, proper ticketing, surveillance, risk categorisation of events. The phasing in period for various events organisers such as local municipalities, stadium managers. Thereafter the stakeholders and other interested parties were invited to give oral inputs and submissions.

#### **4.1 George Local Municipality**

Despite the allegation of political interference in the administration and high political contestation in the communities, the report of the mayoral committee had highlighted progress in respect of public participation, convening of regular public meetings by the ward councillors and the completion of Ward Committee Policy and Public Participation model. While acknowledging progress in respect of public participation, the report raised concerns with regard to service payment boycott spearheaded by organises Business and Ratepayers Associations in the area.

The other challenges highlighted in the report related to lack of communication strategy to deal with wrong perceptions about the municipal inability to provide services. Mr America represented the SAFA South Western District and he noted that SAFA welcomed the Bill and said such a Bill was long overdue in the light of major sporting events such as the 2010 World Cup.

Mr Dakada represented Amateur Boxing and decried the racist tendencies as he experienced it through refusal to attend to young boxers who were due to attend the boxing tournament in Mafikeng. The young boxers were refused permission to be examined prior to their departure to Mafikeng. Therefore no medical tests were conducted as required by the Bill in its current form. He raised concern over the lack of support for the tournaments such as street boxing. He noted that their training facilities were in appalling conditions and should be rectified by the implementation of this Bill.

Mr Dakada could not register the other amateur boxers and the Defence Force is providing transport for his boxers. Mr Dakada said that the millions of Lottery distributed are not being distributed evenly amongst various sporting codes. The sports codes in under-developed areas of Oordtshoon, Mosselbay and George are suffering since they had not received funding from the Department of Sports and Recreation. He urged MP's to visit the stadium in Thembaletu since the stadium does not have toilet facilities and the Local Authority is responsible for this situation. Due to the tensions and rivalry between the Boland and Western Province has resulted in the delays of the budgetary allocations in the George Municipality.

He raised concerns over the lack of support by the local municipality on the club development especially in the cricket clubs that are developing in the Oodtshoorn area. During the engagement with internal stakeholders such as the Members of the Ward Committee and the external stakeholders such the Youth Development Forum major concerns were raised pertaining to good governance and public participation. The major concerns raised by the Youth Development Forum pertained to decisions taken without involvement of the community, lack of representation in Mayoral Advisory Forum.

## **5.1 Cape Town Metropolitan Municipality: Public Hearings**

### **5.1.1 Introduction:**

The Hon M Dikgwaci introduced members of the delegation in the public hearings and introduced all the supporting staff. Mr Komphela opened the proceedings for the public hearings on the Safety at Sport and Recreational Events Bill and took the public through the overall purpose of the Bill in the language understood and spoken in Khayelitsha, Xhosa. The Chairperson emphasised the significance of making the Bill a reality in the arena of sport events. He referred to the smoking of dagga and cigarettes at the stadiums and other recreational events. He stressed that smokers were less respecting to other non-smoking people at sports venues and stadiums. The Bill however makes provision for the designated areas for smokers and other drugs such as dagga will be prohibited in the sports and recreational events.

He illustrated the necessity of the regulation of conduct of events managers who violate the contract and allowed more people into stadiums than the capacity allowed. The soccer disasters such as one in Ellis Park and Orkney Stadiums could have been avoided if tickets and disaster management plans were complied with by organizers of the games. The Bill further emphasis that tickets sales at the venues and on the day of the match and event will not be allowed. Tickets will be sold a one kilometre away from the venue or the event and prior to the game.

### **5.1.2. Legislative Overview: Safety at Sport and Recreational Events Bill [B7-2009]**

Patrick Ronen took the meeting through the critical areas and provisions of the Bill. He took the meeting through the thrust of the Bill, such as the public insurance liability, safety certificates, proper ticketing, surveillance, risk categorisation of events. The phasing in period for various events organisers such as local municipalities, stadium managers. Thereafter the stakeholders and other interested parties were invited to give oral inputs and submissions.

### **5.1.3 SAIL Stadium Operator: Greenpoint Stadium**

The employee of stade de France and he is employed as the senior security manager for the stadium. The financial implications of the organising the events should be taken into account when decisions were made in respect of risk categorisation of events.

SAIL unequivocally supports the Bill in its entirety. According to SAIL, there were commercial and financial implications when some of the major events are being planned. It was unclear which size of the events was being covered in accordance with the scope of the Bill. In terms of the Section 24 of the Bill, ticketing per se is not a police function and it may curtail the powers of the events organizers.

The SAIL raised concern over the overriding powers in the Minister of Sport and Recreation. In fact the Bill should reside within the jurisdiction of the Minister of Police, it is their contention. The general concern over the national commissioner and all the applications and will the provision be given to events organizers be assured that the turnaround times be favourable to the events organizers.

Section 14(1) provided that police inspectors may enter and stay at the VOC. It's a bit unclear where the inspector should come and inspect and speak to a person who appears to be in charge. From a company perspective, he had challenge with rank of captain making major decisions regarding the loss of life. His experience within the security and police, he proposed that a higher ranking police officer like superintendent should rather be bestowed with that authority given the duty of care required from the police officers in terms of the law.

Events organising usually entails huge financial implications and that the management of the event during the VOC. Could the decision of the VOC commander be vetoed by the high ranking official within the police. Section 28(3), regarding public liability insurance

#### **5.1.4 Khayelitsha Emergency Unit:**

They support this Bill and they will ensure compliance with its requirements. However the Unit has established a Coordinating Committee comprising of SAPS, Events Organizers, and Disaster Management Units. He said that the issue of the knowledge of the organizing events at the communities is a major challenge.

Therefore some of the events are not properly planned and the short period of organising. The crowd control and the same entrance and exit have become a major problem. During the visit of former President Nelson Mandela at the Khayelitsha Stadium. Since the disasters during these political gatherings, the stadiums have been upgraded and venues are made safe and prevention major disasters could be avoided.

Raised the lack of presence of the senior officer from police in the VOC during the most events in the townships and some of the events will be hosted without their knowledge. This has created problems and the crowd control and policing and medical facilities not in place. The City of Cape Town needed to inform the community during the hosting of major events and insufficient time for pre-planning during these major events. He urged the government to educate the people about the hosting of events through radios, Television and do away with other

useless programmes. His Unit supports the Bill and have taken steps to implement some its tenets and provisions.

#### **5.1.5 Cricket Board: Western Cape**

Mr Azra Cagwe expressed the view that the entire sports council supports the Bill in its entirety. The people that the Bill will protect are the same people from poor communities since they can only afford to purchase a ticket to games of soccer or boxing. However the sports facilities in the townships are not complying with safety requirements as espoused by the Bill. He raised a concern whether the Bill was applicable to their situation since they always find that during their events. The events organised in the townships are not accommodating the safety needs of pedestrians and the entry and exit points during their events such as recreation and sports. He didn't see how the Bill will ensure that such

#### **5.1.6 Khayelitsha Sports Council**

Mr Leslie Julies expressed the view that the entire sports council supports the Bill in its entirety. The people that the Bill will protect are the same people from poor communities since they can only afford to purchase a ticket to games of soccer or boxing. However the sports facilities in the townships are not complying with safety requirements as espoused by the Bill. He raised a concern whether the Bill was applicable to their situation since they always find that during their events.

The events organised in the townships are not accommodating the safety needs of pedestrians and the entry and exit points during their events such as recreation and sports. He didn't see how the Bill will ensure that such signage and proper event organising within the townships. He welcomed the Bill and stressed that during events, there must be emergency services, doctors, and upgrading of facilities in the townships and hopefully create jobs through building of facilities.

He pointed out that the Bill really protects the poorest of the poor and he noted that the loss of life of supports and sports lovers should be compensated if any person has suffered a loss through attending the sports or recreational events. He expressed the view that the Bill must clearly address the conditions of the poor people through ensuring that at least minimum safety standards were complied with. The transfer of skills through the Bill must be ensured by the Department of Sport and Recreation. He was concerned that the 2010 World Cup is hallowing dream for the ordinary people as this euphoria about the Soccer World Cup seemed like a pipe dream for the disadvantaged majority.

#### **5.1.7 Religious Organisation: Khayelitsha**

Mrs Mayekiso noted that the church around the townships of Cape Town indeed supports the Bill in its entirety. The challenge of the youth organising events at the age of 18 years must be changed and the schools must be

covered by the Bill. The churches usually hold mass funerals and they are not escorted by the police and no emergency services are attending their events. The use of church building and the use of liquor at nearby church buildings.

Sometimes the church hold their synods and conferences and sometimes their members get sick during the services and their members are not allowed into the Day Hospitals. Some of their applications for the building of churches. The proximity of taverns near the places of the worship is very problematic and needed to be addressed. The schools in the townships are not having facilities that meet the minimum requirements for safety standards as provided in the Bill. She urged the government to built more sports facilities in the school townships to prevent children from resorting to crime and alcohol abuse.

#### **5.1.8 South African Police Services:**

The police services in Khayelitsha supported the thrust of the Bill and made a commitment to implement the provisions of the Bill.

#### **5.1.9. Amateur Boxing Association**

The issue of sports development and equipment was also raised and the visibility of the law enforcement during the Boxing tournament. The question of the presence of the emergency services and absence of the ringside doctors is very disturbing trend during boxing tournaments.

### **6 Response from the Department of Sport and Recreation: Matters arising from submissions**

Mr Komphela asked about the turnaround time for the events organisers in regard to the application. Mr De Jager expressed the concern over the period certain applications and proceedings when police commissioner assesses the applications. Mr Suka wanted to express the view that the Committee would expect the proposals from the stakeholders.

Mr Patrick Ronen noted that the police commissioner will want to ensure that the events organisers. On the veto powers of the events organizers in respect of financial implications. He noted the point of the senior police officer, like superintendant should make the decision. However the decision will be done in consultation with senior personnel within the VOC like disaster managers and if the decision made was unreasonable and he expressed the view that it was reasonable measure but the point made by SAIL was somewhat valid.

If it's a high risk event then it will be experience and the senior ranking officer from the police. But if its merely the medium or lower risk event, then a captain or inspector from the police. The definition of the event organiser, then the net needed to be very wide in defining who event organisers is as there could be smaller events. Therefore the definition is simply an attempt to cover the wide range of the events.

The timeframes have been considered for huge amount of time and efforts. And the legal experts thought that such period of six months was in fact sufficient to allow events organisers as compared to other pieces of legislation. On the issue of the section 24(45) ticketing the police will simply prohibit or stop the sale of ticket on the day of the events. However the Minister of Police acting on the advice of the senior and experienced managers on the decision to prohibit the sale of tickets. However if the decision of the Minister of Police is overreaching then such decision can be taken on appeal as provided for in the Safety at Sport Bill.

Mr Komphela said that the Committee held the view that tickets sold for major sports events should clearly state where and how the person/ticket holder have number and signage on the tickets. The signage on the tickets will clearly reduce challenges of the crowd control and manages to avoid impending disasters.

Mr Komphela reiterated the provisions of the Boxing Act that governance the conduct of the events or boxing promoters during the boxing tournaments. Mr Miller replied that the SONABO tournaments are not governed by the boxing legislation and the amateur boxers are actually governed by another piece of legislation.

Mr Komphela responded that the Department needed to verify if the amateur boxers were not indeed regulated by the Boxing Act. The Portfolio Committee will be considering the amendments to the Boxing Act and will following the submissions really consider the amendments to include the regulations governing the amateur boxers. Hence the Bill is providing that the sports events organizers must provide and submit their fixtures and programmes prior to the staging of the events.

Mr Patrick Ronen indicated that the Bill required that the sports facilities build without access control measures, total number of toilets and such facilities will not receive safety certificates. Therefore all minimum requirements must be met by the newly build stadiums. Mr Ronen explained that the Bill provided for the safety capacity and the safety planning committee must be consulted and the more people into the venue must be prevented from gaining access into the venue. The capacity of the venue if reached, then the safety planning committee must intervene.

## **9. Buffalo City Municipality: Public Hearings**

### **9.1 Introduction:**

The Hon L Suka introduced members of the delegation in the public hearings and introduced all the supporting staff. Mr Komphela opened the proceedings for the public hearings on the Safety at Sport and Recreational Events Bill and took the public through the overall purpose of the Bill in the language understood and spoken in Mdantsane, Xhosa.



The Chairperson emphasised the significance of making the Bill a reality in the arena of sport events. He referred to the smoking of dagga and cigarettes at the stadiums and other recreational events. He stressed that smokers were less respecting to other non-smoking people at sports venues and stadiums. The Bill however makes provision for the designated areas for smokers and other drugs such as dagga will be prohibited in the sports and recreational events.

He illustrated the necessity of the regulation of conduct of events managers who violate the contract and allowed more people into stadiums than the capacity allowed. The soccer disasters such as one in Ellis Park and Orkney Stadiums could have been avoided if tickets and disaster management plans were complied with by organizers of the games. The Bill further emphasis that tickets sales at the venues and on the day of the match and event will not be allowed. Tickets will be sold a one kilometre away from the venue or the event and prior to the game.

## **9.2. Legislative Overview: Safety at Sport and Recreational Events Bill [B7-2009]**

Patrick Ronen took the meeting through the critical areas and provisions of the Bill. He took the public/meeting through the thrust of the Bill, such as the public insurance liability, safety certificates, proper ticketing, surveillance, risk categorisation of events. The phasing in period for various events organisers such as local municipalities, stadium managers was two years as opposed to shorter period for upgrades for major event organisers. Thereafter the stakeholders and other interested parties were invited to give oral inputs and submissions.

## **9.3 SAFA-Region: Submissions**

The re-sale of complimentary tickets and the environmental impact of the huge events remained one of the biggest challenges faced by the sporting fraternity. And asked if the Bill and the public hearings have covered the major religious sector like the SACC. The question of safety at sports events in rural communities and the smaller and poor communities where the lot of facilities not fenced. Expressed concern over the funding and budgets for the affected areas of government like health, arts, police and others. The public liability questions regarding the smaller events especially the poor people organising events.

A concern was expressed over the sale of tickets for the poor spectators who usually purchase their tickets only having money to buy tickets on the same day of the event. A concern was expressed over the emergency services and the inadequate number of ambulances available during the hosting of events especially in the amateur and professional sport. A major concern was again raised in regard to the sale of liquor in the stadiums.

The SMME's are generating income through the sale of liquor. Therefore the Bill will surely compromise the livelihood of these small businesses who were selling liquor. The public viewing areas were going to be covered

by the Bill. Whether such temporary structures such as PVA were covered with stringent requirements for the planning safety committee.

### **Boxing Promoters, Buffalo City**

Supported the Bill and said that 14 days before the event the promoters must submit the schedule to the Police and other authorities. Therefore the requirements for security during boxing events are complied with in accordance with the Boxing Act and regulations thereto.

The boxing promoters are not permitted to host an event without public liability insurance and other safety requirements are complied with in terms of the Boxing Act. Therefore he submitted that the current Bill in fact amplifies the existing Boxing legislation.

### **3.1 Stadium Manager: 2010 Office, Buffalo City**

Ms Gogo Manqoye welcomed the Bill but had raised concern over the registration of events organisers and she raised the concern over the SMMES' on the certification of such smaller enterprises as they may pose risk. How do we manage the risk of the companies which at the last minutes and the organisers were posing risk themselves in an effort to maximise their revenue from ticket sales. The general concern over the national commissioner and all the applications and will the provision be given to events organizers be assured that the turnaround times be favourable to the events organizers.

### **Handball Association, Buffalo City**

The federation supports the Bill and were experiencing problems with hosting of events and were not supported by the provincial department of sports, arts and culture.

### **Netball South Africa: Border**

Funding challenge and raised concern over the lack of facilities and the NSA. Netball is not high risk event but they do support the Bill because their events needed to be secured.

### **School Rugby: Border**

Border school rugby supports the Bill especially in their events such as the participation in the Craven Week. The Bill will help the development of rugby especially amongst the rural and poorer communities in the Eastern Cape. However he raised the concern of the lack of funding in the development of rugby sports in black schools. He noted that whenever funds come from the provincial department its too late in the school calendar. Therefore they appealed to the National Department of Sport and Recreation to help them with funds to revive school sports.

## **7. Nelson Mandela Metro: Public Hearings**

### **7.1NMM SPORTS COUNCIL**

The current challenge is the federations which not prepared to comply with the current demarcations as defined in terms of the law. The Eastern Province is always going beyond its mandate when sourcing funding from the department of sports, arts and culture. He alleged that the EP rugby is indeed defying the government by not complying with current demarcations.

No standard equipment for the sports and recreational events and competitions and no training centre. Most of the sports codes such as judo, karate, boxing and others are not catered for. The federations have raised concern with the Minister of Sport to covert the RDP house into sports training centre. Since then nothing has been done to ensure that facilities are built with secure. No lights water, windows, toilets at the Dojo (training centre, (garage) in the township of Zwide.

### **7.2 SAFA-REGION**

The Community is working very hard to reduce crime but cannot do it without the assistance of the government support. The local SAPS requested that the high ranking police officers be given the responsibility of the high risk and major sports events and not the police captain as provided in the Bill. The events organisers must be held accountable and the word "accountability" must stand alone in the Bill to ensure that events organisers are liable. The organisation is proposing that the events organizers must pay deposits prior to hosting of events.

The tossing of promotional materials by sponsors during or prior to major must be prevented and be regulated in terms of the law. The sponsors' conduct of tossing the promotional material is indeed bringing the name of sports into disrepute. The big signage must appear on the Billboards outside or at the entrance of the stadium or the venue. He proposed that there should be a review of the events after they were staged and sanctioned by the organizers.

### **7.3 Event Management Company: Risk Management Consultant**

It was submitted that the security officer accredited at the venues and stadiums must at least be trained for the special and high risk events and not just merely possess grade A, B & C. In addition such accreditation should be done through the Private Security Industry Regulator and other Seta's involved in the training for hospitality industry and security services.

The local authority must also be compelled to comply with safety certificates' by the higher authority than itself. Proposed timeframes for the completion of all stadiums must be extended in terms of the Bill. The inspection team must submit the inspection report to the organiser of the event or the national commissioner.

### **7.4 EP: CRICKET**

Supports the legislative intervention through the Bill. The review of the safety planning committee. Cricket enquired whether the controlling body should not become part of the safety planning committee. The clause dealing with word "sufficient" is a bit ambiguous and needed to be reviewed.

The schedule and fixtures are usually completed about to-three weeks prior to the event/matches. Therefore they are proposing that the Bill insert some form of flexibility. The alterations on the existing stadiums should be reviewed as it impact of the private sphere of decision making. Clear policy and clarification on smoking and how do we police this aspect of prevention of smoking in the venues.

#### VOLLEBALL: AMATHOLE REGION

The concerns over the accreditation, training and workshops for the coaches within the region of Amathole region. There are no sports facilities and there's no one who wants to take responsibility for the upgrading and development of volleyball in the Amathole region. They supported the main thrust of the Bill.

#### **10. Response from the Department of Sport and Recreation: Matters arising from submissions**

He indicated that it was an offence for the use of the unregistered events organiser and security agencies in terms of the Bill. The Committee had received written submissions from the LOC on the re-sale of tickets and the submissions will be captured in the regulations and some of them incorporated into the Bill.

The public liability insurance must be vetted by the Insurance Ombudsman's office and the public liability insurance must be submitted to the VOC commander. The Bill covers any sport including the recreational events including the wedding and funeral, e.g. Michael Jackson Funeral. Tickets were issued at the Memorial and the city of New York had issued tickets for the event and the police and emergency services were on high alert for any potential disaster.

The police have duty to enforce the provisions of the Tobacco Control Act as legislative tool of controlling smoking in the venues. Therefore we need to protect the events organizers also from losing money through ticket touting. The appropriate and special training will be given to the police officials at the sports events. Therefore the Committee will interact with SAPS to structure the training and development of police officials for sports events.

The categorisation of events will be assessed by the national commissioner and the provincial police commissioners will have delegated authority to deal with the risk categorisation. There's to be training provided by the national police service on the provision of security for major sports and recreational events. The pollution of water, wastage and the environmental impact emanating from the hosting of major events. Therefore the Bill has taken the environmental impact of major events and ensured that events organiser do take out public liability insurance. The draft budgets have been prepared by both the provincial and national sports departments.

However the bulk of the funding has been allocated to the SAPS. There's moneys allocated for the funding of the implementation of this Bill and the chair of the Committee will elaborate more the budgetary allocations in respect of the Bill.

The Bill does not completely exclude the sale of tickets on the same day of the event. Bu the ticket sales must be about 500 meters away from the event/venue where the event is taking place. On the sale of alcohol in the private suites is allowed on the balcony. Because the people in the private suites are giving and handing over the beers to the people on the stands. Therefore such situation should be catered for in the regulations and not in the Bill.

Mr Komphela emphasised that the bulk of submissions have raised concern over the smaller events turning into the major event. Mr Komphela said this major concern has been coming up in most of the provinces during the public hearings. Therefore the Committee undertook to consider this situation during the deliberations in Parliament. Mr Komphela also strongly noted that the environmental impact of the major events will not be ignored during the passing of this Bill. Therefore the Committee undertook to consider the regulations to the Bill to cater for environmental impact assessment before the major event.

The Bill seeks to take extra precautionary measures to safeguard the interest and the safety of all involved in the event. The place where the tickets are going to be sold must be a kilometre away from the stadium or the venue. The Committee will not encourage the public to buy tickets on the same day of the event despite their poverty stricken background. The Committee will not underestimate the safety and security risk posed by the smaller sport events in schools and around communities and as such the Bill must be applied on such small events.

The Committee noted the concerns around school sports and has undertaken to conduct public hearings in the various provinces to develop and revive school sports. Mr Komphela said that there no implementation of the memo of understanding between the departments of sports and education. The existing facilities in terms of the Bill will certainly needed the funding for upgrading of these facilities to meet the requirements of the Bill.

The Committee took a considered view that the event organizers irrespective of their rural or urban background should and must ensure that there is compliance with the safety requirements in accordance with the Bill. "Ignorance of the law is not an exec use".

### **3.3 Acknowledgements: Committee**

The Portfolio Committee on Sport and Recreation would like to acknowledge the contributions of the following people and/or stakeholders whose the submissions, inputs and other arrangements provided a very positive and useful guide to amendments on the Safety at Sport and Recreational Bill during the public hearings: National Commissioner of Police; Mr Benjamin Dlamini, Ms Gogo Manqoyi Mr Ernest Pillay, Mr C Kula, Mr Erasmus, Mr

Brandon Foot, and special thanks to Mr Patrick Ronen, Mr Gideon Boschhoff, Adv. T Mthimkhulu, Mr Siza Makeleni, Ms Letta Badimo, Mr Toto Bata and Ms Ntomboxolo Peter.

### **3.4 Voting on the amendments to the Bill**

Having conducted the public hearings in Mqohaka, Mangaung (Free State), Johannesburg and Ekurhuleni metros and Durban Metro and Escourt, George and Khayelitsha Local Municipalities and Municipalities of Nelson Mandela Metro and Buffalo City(East London), interacted with internal and external stakeholders, the *Portfolio Committee on Sport and Recreation* recommends as follows:

#### **4.1.1. Motion of Desirability**

4.4.2. The Portfolio Committee recommends that the National Assembly approves the legislation desirable to amend the aforesaid Bill in order to provide for the measures to safeguard the physical well-being and safety of persons and property at sports, recreational, religious, cultural, exhibitional, organisational or similar events; to provide for public liability insurance for events; and to provide for establishment of an Appeal Board and for appeals; to provide for the accountability of the event role-players; and to provide for matters connected therewith.

"Report to be considered"

.....  
**Hon BM Komphela, MP**  
**Chairperson: Portfolio Committee on Sport and Recreation**

**Date:**.....