

NATIONAL SPORT AND RECREATION AMENDMENT BILL [B17-2006]

General comment as requested, deadline 12H00 on 29 August 2006.

Colin Webster

Overview:

Certainly this Bill is much required in order to allow the Minister to take a far more active role in resolving the issues that occur from time-to-time.

Legislating in SASCOC:

In amending section 2 to include SASCOC by name, further administrative and legislative effort shall be required should SASCOC need to change its name from time to time. Since 1994, we have had the NOSC, the NSC, the S A Sports Commission, and SASCOC.

Would it not be far more prudent to have the Act recognize the Macro body that has the majority of National Federations affiliated to it?

Alternatively, the Act could merely recognize the macro body that is recognized by the International Olympic Committee, or a combination thereof.

Involvement of the National Federations:

In Section 6 (2) all National Federations must actively participate in support programmes, but what if a National Federation is excluded? What recourse shall a National Federation have in this case? Any National Federation that has been excluded on purpose is unlikely to have a fair hearing, but, because it has not participated in the programme, such national federation now falls foul of the law.

Would it not be better to state, "national federations must participate in and support programmes and services of the recognized macro body where such programmes and services are considered to be fair and reasonable."?

On reading Section 14, the Minister is allowed to make recommendations after consultation with the Macro Body (SASCOC). However, some of these regulations will directly affect some National Federations. Would it then not be better to also include in the consultative process the National Federation concerned? For example, should the Minister wish issue a regulation concerning Morabaraba in the Mass Participation programme, should not Mind Sports South Africa (the recognized national federation for Morabaraba) be included in such consultative process?

With such consultative process between the Minister and SASCOC, what if the Minister and SASCOC cannot reach agreement? Theoretically, the Minister may make Regulations even if there is no agreement on issues. Would it not be better in the interests of transparency and democratic principles to change the wording "after consultation with" to "in agreement with".

By changing the wording to "in agreement with", a real partnership is created between government and sporting role-players in ensuring that the nations objectives are attained.

Clarifications required:

Section 1 (j) "Sport or recreation body". Does this also apply to activities that have not, or refuse to, affiliate to SASCOC? For example, there may be activities that are practiced by bodies and/or groups that have remained outside of the official structure/s and yet still persist in sending teams overseas to participate in international competition.

What too happens in the case of safety (Section 6 (1)) as National Federations have to assume responsibility, but organizations that practice other activities that do not have a governing body seem to be exempt?

Does Section 13B apply to every National Federation, Provincial Federation, club etc.?

General concerns:

Page 8 deals with the Memorandum on the Objects of the National Sport and Recreational Bill, 2006.

In such Memorandum there is a claim that all national sport and recreation federations have been consulted.

This does not appear to be the absolute truth.

At the SASCOC President's Council held on 25, 26, and 27 August 2006 it became quite apparent that many Federations seem not only have not seen the Bill, but also were not even aware of its existence.

In future, would it be possible for any such type of Bill to be issued to SASCOC for timeous distribution to National Federations?

In Point 4 of the Memorandum it states that there are no financial implications for the state. However, if the Minister has issued regulations that directly affect a national federation and the players themselves, would not the Ministry also assume liability?

Colin Webster
Ekurhuleni, 2006.08.29