

REPUBLIC OF SOUTH AFRICA

SAFETY AT SPORTS AND RECREATIONAL EVENTS BILL

*(As introduced in the National Assembly (proposed section 75); explanatory summary of
Bill published in Government Gazette No. 29078 of 5 August 2006)
(The English text is the official text of the Bill)*

(MINISTER OF SPORT AND RECREATION)

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BILL

To provide for measures to safeguard the physical well-being and safety of persons and property at sports or recreational events held at stadiums, venues or along a route; to provide for certain prohibitions; to provide for the provisional and final risk categorisation of events; to provide for the establishment of measures to deal with safety and security at events; to provide for accreditation of role-players at events; to provide for event ticketing; to provide for the control of access of spectators and vehicles at events; to provide for the issuing of safety certificates for planned or existing stadiums or venues; to provide for the contents of safety certificates and amendments to safety certificates; to provide for appointment of inspectors and their powers of entry and inspection; to provide for the deployment of security services; to provide for spectator exclusion notices; to provide for prohibition notices; to provide for the establishment of an Appeal Board and for appeals; to provide for public liability insurance for events; to provide for payment of fees; to provide for offences and penalties; and to provide for matters connected therewith.

PREAMBLE

RECOGNISING that—

- the physical well-being and safety of all persons attending sports and recreational events as well as the safety of their property at stadiums, other venues and in the case of a race, tour or procession along a route, must be promoted and protected;
- the rights of persons who attend sports and recreational events must be protected;

NOTING that—

- the planning, management and enforcement of safety and security at sports and recreational events held at stadiums, other venues and in respect of events in the form of a race, tour or procession along a route, must be handled by people experienced in the field of safety and security;
- all sports and recreational events controlling bodies, event organisers and stadium and venue owners and their managements must have proper safety and security measures in place; and
- controlling bodies of all sports and recreational events, event organisers and stadium and venue owners and their managements must place the broader sports and recreational interests above their own interests, particularly the promotion and maintenance of the safety, security and convenience of persons who attend sports and recreational events;

ACKNOWLEDGING—

- the need to determine and maintain minimum safety and security standards at sports and recreational events;
- the importance of the promotion of spectator-friendly, secure sports and recreational events;

- that the Republic has become a desirous destination for the hosting of major international sports and recreational events,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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CHAPTER 1

DEFINITIONS AND APPLICATION OF ACT

Definitions

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1. In this Act, unless the context otherwise indicates—
- “**access control officer**” means a person appointed in terms of section 21;
- “**accreditation**” means accreditation contemplated in section 19;
- “**authorised member**” means a police official designated in terms of section 16;
- “**controlling body**” means a national federation as defined in section 1 of the National Sport and Recreation Act, 1998 (Act No. 110 of 1998), or an international controlling body governing a code of sport or recreational activity in the Republic, but excludes the National Department of Sport and Recreation of the Republic of South Africa and the Sports Confederation contemplated in section 1 of the National Sport and Recreation Act, 1998; 10 15
- “**corporate hospitality**” includes the provision of food, liquid refreshments and entertainment, to members of the public or invited guests within a permanent or temporary demarcated hospitality area which may be located within a stadium or a venue or along a route, or within the immediate or outer precincts thereof;
- “**designated area**” means an area designated in the prescribed manner and in respect of which access is limited to a person specifically accredited to enter such area; 20
- “**disaster management**” means a process of planning and implementation of the measures referred to in section 1 of the Disaster Management Act, 2002 (Act No. 57 of 2002); 25
- “**disaster management centre**” means a centre established in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002);
- “**emergency services**” means, in relation to a sports or recreational event, all public and private sector medical services, including emergency medical services and health services, the fire department, the disaster management department and local authority traffic or by-law enforcement department; 30
- “**essential services**” means a department or other administrative unit, such as a disaster management centre, and includes those departments responsible for electrical, water, sewerage and waste removal utilities in the administration of a local authority responsible for ensuring that the measures contemplated under the definition of “disaster management” contained in section 1 of the Disaster Management Act, 2002 (Act No. 57 of 2002), are in place and complied with as far as the staging of an event at a stadium or venue or along a route is concerned; 35
- “**event**” means sporting, entertainment, recreational or similar activities hosted at a stadium, venue or along a route or within their respective precincts; 40
- “**event organiser**” means any person who plans, is in charge of, manages, supervises or holds an event or sponsorship rights to an event or in any manner controls or has a material interest in the hosting of an event as contemplated in this Act;
- “**event safety and security planning committee**” means the committee 45 contemplated in section 16;
- “**event ticketing**” means the production, distribution and sale of tickets in respect of an event contemplated in section 20;
- “**exclusion notice**” means the notice contemplated in section 23;
- “**existing stadium or venue safety certificate**” means a certificate issued by a local authority in terms of section 8(1)(a); 50
- “**grading certificate**” means a certificate issued by a local authority in terms of section 7(2);
- “**high-risk event safety certificate**” means a certificate issued by the National Commissioner in terms of section 7(3); 55
- “**liquor**” means liquor as defined in section 1 of the Liquor Act, 2003 (Act No. 59 of 2003);

“local authority” means a municipality established under section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), within whose jurisdiction a stadium, venue or route is located;

“Minister” means the Minister responsible for sport and recreation in the Republic;

“National Commissioner” means the National Commissioner of the South African Police Service;

“National Health Act” means the National Health Act, 2003 (Act No. 61 of 2003);

“new stadium or venue design safety certificate” means a certificate contemplated in section 9;

“organise” includes to arrange, be in charge of, convene, host, manage, plan, stage, supervise, hold an event or hold sponsorship rights to an event;

“police official” means a member as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), and includes a member of a municipal police service;

“precinct” means an enclosed or clearly defined surrounding area or environs or a specifically designated or sign-posted area immediately adjacent to or in close proximity to a stadium, venue or route which is demarcated in terms of a safety and security plan;

“prescribe” means prescribe by regulation;

“prohibition notice” means a notice contemplated in section 22;

“regulation” means a regulation made under section 31;

“route” means the way or course taken in getting from a starting point to a destination during an event which takes the form of a race or procession;

“safety certificate” means a certificate referred to in section 7;

“safety and security plan” means the safety and security plan referred to in section 17(1)(b);

“safety officer” means a person appointed in terms of section 3(4)(a) to assist with the planning and oversight of safety and security measures at an event;

“security officer” means a security officer as defined in section 1 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);

“security service” means a security service as defined in section 1 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), rendered at an event;

“security service provider” means a security service provider as defined in section 1 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);

“spectator” means a member of the public who is an attendee or part of an audience at an event held at a stadium, venue or along a route or within their respective precincts;

“stadium” means an enclosed or semi-enclosed structure which consists of seating for spectators and a field of play or a permanent or temporary podium or other area within the structure reserved for the purposes of hosting events, which has a safe seated or standing spectator capacity of at least 2000 persons as certified by a local authority;

“stadium design plan” means a stadium design plan referred to in section 9 or 10;

“stadium owner” means a person who owns, manages or is entitled to exercise the rights of an owner or occupier of a stadium used for events;

“steward” means a person appointed in terms of section 3(4)(b);

“this Act” includes a regulation made under section 31;

“traffic-free zone” means an area designated by an event safety and security planning committee on a public road or other area, and clearly marked in the prescribed manner, as an area where access is limited to a motor vehicle and a person specifically accredited to enter such an area;

“vendor” means a person authorised in writing by a controlling body, event organiser or a stadium or venue owner to sell or otherwise purvey approved goods or services within the precincts of a stadium or venue or along a route;

“venue” means any area or place, other than a stadium where an event is hosted, demarcated by an enclosed or semi-enclosed permanent or temporary structure which has a seating or standing spectator capacity of at least 2000 persons as certified by a local authority, within which other permanent or temporary structures may be erected;

“venue owner” means a person who owns, manages or is entitled to exercise the rights of an owner or occupier of a venue used for events;

“VOC” means a venue operations centre contemplated in section 18;

“VOC commander” means the police official designated in terms of section 18; and

“volunteer” means a person appointed in terms of section 3(6).

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Application of Act

2. (1) In the event of any conflict between this Act and any other legislation, this Act prevails if the conflict specifically relates to a matter dealt with in this Act.

(2) This Act does not apply to—

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(a) gatherings as defined in the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993); or

(b) any form of water sport.

CHAPTER 2

ENSURING RESPONSIBILITY FOR SAFETY AND SECURITY AT EVENTS 15

Responsibility for safety and security at events

3. (1) A controlling body, an event organiser, or a stadium or venue owner, as the case may be, must put in place such measures as may be prescribed to ensure the physical safety and security of persons and their property at an event.

(2) A person referred to in subsection (1) must cooperate with and assist the event safety and security planning committee and the VOC commander in the performance of their functions under this Act.

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(3) The National Commissioner—

(a) may direct a person referred to in subsection (1) to implement such additional measures as may, in the opinion of the National Commissioner, be necessary to further the objects of this Act;

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(b) must establish an event safety and security planning committee for each event contemplated in section 5 or 6;

(c) must appoint a VOC commander as contemplated in section 18;

(d) may prohibit the sale of event tickets at a stadium or venue on the day of an event;

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(e) may stipulate conditions to be included in a high-risk event safety certificate as contemplated in section 11(2);

(f) may amend or replace a safety certificate as contemplated in section 13;

(g) may prohibit or restrict the admission of a person or group of persons to a stadium or venue or route by issuing a prohibition notice referred to in section 22; and

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(h) may issue a spectator exclusion notice referred to in section 23 with regard to an undesirable spectator.

(4) A person referred to in subsection (1) must appoint—

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(a) sufficient persons to be responsible for safety and security at an event, including an event safety officer, security officers or such other persons as may be prescribed;

(b) stewards responsible for—

(i) the marshalling and overseeing of the safe general flow of spectators;

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(ii) the provision of event information, including safety and security information to spectators;

(iii) the provision of ushering services; and

(iv) the provision of assistance with emergency evacuation procedures to persons within a stadium or venue and its precincts.

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(5) The persons appointed under subsection (4) must—

(a) be present at an event; and

(b) take such steps as may be reasonably necessary for the safeguarding of an event as well as for the protection of the people and the property at an event.

(6) A person referred to in subsection (1) may appoint volunteers to supervise arrangements or provide any function or service in support of an event.

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- (7) A person appointed under subsection (4)(b) or (6) may not provide security services unless such a person is registered as a security officer.
- (8) An event organiser, where such person is a natural person, must—
- (a) be at least 18 years of age; and
 - (b) have the necessary capacity, resources and event-related experience to organise the event. 5

Prohibition

4. (1) No person may organise an event unless that person complies with the requirements of section 5(1) or 5(3) and section 28.
- (2) No person may— 10
- (a) obtain event tickets with the intention to resell or use such tickets for a commercial purpose, whether for a profit or not; or
 - (b) directly or indirectly sell or promote event tickets, without the prior written authorisation of an event organiser, or a stadium or venue owner, as the case may be. 15

Provisional risk categorisation of events

5. (1) An event organiser must annually, at least six months before the start of—
- (a) a calendar year for a specific sport or recreational activity; or
 - (b) a season, in the case of a seasonal sport or recreational activity,
- submit a schedule of events to the National Commissioner. 20
- (2) The schedule of events referred to in subsection (1) or (3) must contain—
- (a) the prescribed information; and
 - (b) sufficient particulars of the planned events,
- to enable the National Commissioner to make a provisional categorisation of the safety and security risk associated with each event contained in the schedule. 25
- (3) Where an event—
- (a) cannot be planned to fall within the schedule of events referred to in subsection (1); and
 - (b) is scheduled to take place within six months before the start of a calendar year for a specific sport or recreational activity or a season in the case of a seasonal sport or recreational activity or during the calendar year or season,
- the event organiser must upon initiating plans for the event forthwith submit the schedule for that event to enable the National Commissioner to make a provisional risk categorisation. 30
- (4) The National Commissioner may require the event organiser to provide additional information or particulars necessary to make a decision regarding the provisional risk categorisation of an event. 35
- (5) The National Commissioner must, subject to subsection (6), consider the schedule referred to in subsection (1) or (3) and, if the schedule complies with all of the requirements of this section, make a provisional risk categorisation of each event contained in the schedule.
- (6) (a) The National Commissioner may refuse to make a provisional risk categorisation if the schedule, and where applicable, the additional information submitted, do not meet the requirements of subsection (2).
- (b) In the case of a refusal, the National Commissioner must give the Minister and the event organiser notification and reasons in writing for the refusal. 45
- (7) In making a provisional risk categorisation for an event the National Commissioner must take the following factors into account:
- (a) The popularity or reputation of any team or person participating in the event;
 - (b) the expected attendance at the event and, where available, a historic record of attendance at similar events; 50
 - (c) the location where the event is to be held;
 - (d) the suitability of a stadium, venue or route, having regard to its physical structure, spectator facilities, precinct layout, or any other factors that impact on its suitability for hosting the event; 55
 - (e) the level of physical, human resource and electronic safety and security infrastructure, as well as the state of readiness of such infrastructure for the event;

- (f) the historic record of safety, security and medical incidents at similar events, where available;
- (g) any relevant crime statistics and trends;
- (h) any threat analysis information regarding the event, where available;
- (i) the certified safe capacity of a stadium, venue or route and respective precincts; 5
- (j) the age profile of attendees at the event, where available;
- (k) any information regarding the consumption and sale of alcohol to spectators at the event and the safety and security impact thereof on previous similar events; 10
- (l) the day of the week on which the event is scheduled to be hosted, including factors impacting thereon;
- (m) the commencement time and estimated duration of the event, including the expected arrival or departure of participants and spectators;
- (n) the relevance of the outcome of the sports or recreational event; 15
- (o) the level of intensity of the rivalry between competing sports teams or sports persons participating in the event and any tensions which may exist between the supporters of those sports teams or sports persons;
- (p) the positions of the teams on the league or the rankings of the persons participating in the event; 20
- (q) any international, national, local, social, economic, political or security-related factors which might have an impact on the event from a safety and security perspective;
- (r) the availability of police officials, emergency and essential services to assist at the event; 25
- (s) the weather or other natural conditions which are anticipated to prevail before or on the day of the event;
- (t) the nature of pre-event spectator entertainment and marketing promotions of any person contemplated in section 3(1); and
- (u) any other factor that the National Commissioner considers appropriate. 30
- (8) In making the provisional risk categorisation of each event, the National Commissioner may, if necessary—
- (a) consult any person; and
- (b) take into account any other information.
- (9) The National Commissioner must provisionally categorise each event reflected in the annual schedule of events as being either low risk, medium risk or high risk. 35
- (10) Upon making the provisional risk categorisation contemplated in this section, the National Commissioner must give written notification—
- (a) to the Minister of the provisional risk categorisation of events submitted in the schedule contemplated in subsection (1) or (3); 40
- (b) to a local authority of the events which are scheduled to be hosted within its jurisdiction and the provisional risk categorisation of such events; and
- (c) to the event organiser concerned of the provisional risk categorisation of the events reflected in the schedule of events submitted by such event organiser.
- (11) An event organiser dissatisfied with a provisional risk categorisation may provide additional written information to the National Commissioner and request him or her to reconsider such provisional risk categorisation. 45
- (12) After considering the information contemplated in subsection (11), the National Commissioner must, where he or she has refused to amend the provisional risk categorisation, furnish such event organiser with written reasons for his or her decision. 50

Categorisation of events

- 6.** (1) Upon receipt of the provisional risk categorisation of a schedule of events contemplated in section 5, the Minister must—
- (a) consider the provisional risk categorisation of the schedule, taking into account the factors listed in section 5(7); and 55
- (b) within 30 days, accept or reject the provisional risk categorisation.
- (2) Upon accepting the provisional risk categorisation in terms of subsection (1), the Minister must, at least three months before the start of the calendar year or season for that sport or recreational activity, notify the National Commissioner, the relevant local authority and the event organiser in writing of his or her decision. 60

(3) Upon rejecting the provisional risk categorisation, the Minister must make an amended categorisation of the relevant event as either low risk, medium risk or high risk.

(4) The Minister must notify the National Commissioner, the relevant local authority and the event organiser in writing of the amended risk categorisation and the reasons for it, within the time period contemplated in subsection (2). 5

(5) An event organiser dissatisfied with a decision taken under this section may provide additional written information to the Minister and request him or her to reconsider the decision.

(6) The Minister must consider the information contemplated in subsection (5) and notify the event organiser in writing of his or her decision and, where the Minister has refused to alter the decision, furnish the event organiser with reasons for the refusal. 10

Safety certificates

7. (1) A local authority may issue a safety certificate in respect of— 15
 (a) an existing stadium or venue as contemplated in section 8;
 (b) the design of a new stadium or venue, as contemplated in section 9; and
 (c) alterations of or extensions to a stadium or venue, as contemplated in section 10.

(2) A local authority may issue a grading certificate as contemplated in section 8(4).

(3) The National Commissioner may issue a high-risk event safety certificate as contemplated in section 11. 20

Existing stadium or venue safety certificate

8. (1) (a) A stadium or venue owner, as the case may be, must annually and at least 30 days before the expiry of an existing safety certificate in respect of a stadium or venue apply in the prescribed manner to a local authority for a safety certificate in respect of that stadium or venue. 25

(b) The application for safety certification of an existing stadium or venue must be made within 90 days after the commencement of this Act.

(2) The Minister, in consultation with the Minister of Science and Technology, may prescribe criteria and other requirements to be met to qualify for a stadium or venue safety certificate. 30

(3) If at the commencement of this Act the criteria and requirements prescribed under subsection (2) are not in place at an existing stadium or venue, they must be complied with within—

(a) two years, if high-risk events are hosted at that stadium or venue; 35

(b) three years, if medium-risk events are hosted at that stadium or venue; or

(c) five years if, low-risk events are hosted at that stadium or venue,

after the commencement of this Act.

(4) (a) The certificate contemplated in subsection (1) must be accompanied by a grading certificate issued by a local authority. 40

(b) The grading certificate must state the determined safe spectator capacity of the stadium or venue and the level of risk of the event that may be hosted at a stadium or venue.

(c) A local authority may issue a high-risk event grading certificate only after consultation with the relevant authorised member. 45

New stadium or venue design safety certificate

9. (1) A stadium or venue owner, as the case may be, must at least three months before the projected commencement date of construction of a new stadium or venue apply in the prescribed manner to a local authority for a certificate in respect of the safety of the design of the new stadium or venue. 50

(2) A stadium or venue owner involved in planning and designing a new stadium or venue, must comply with—

(a) prescribed safety and security requirements and any conditions stated in the certificate contemplated in subsection (1);

(b) applicable building legislation and local authority by-laws and guidelines; 55

(c) applicable building design guidelines of the South African Bureau of Standards;

- (d) applicable stadium or venue infrastructure requirements stipulated in writing by a recognised international controlling body;
- (e) applicable stadium or venue infrastructure requirements stipulated in writing by a controlling body, event organiser or stadium or venue owner;
- (f) applicable requirements relating to medical facilities; and 5
- (g) any other prescribed criteria relating to safety and security regarding the suitability of a planned stadium or venue to hold events.

Certificate in respect of alteration of or extension to stadium or venue

10. (1) Where a safety certificate has been issued in terms of section 8 or 9, and a stadium or venue owner wishes to alter or extend— 10

- (a) an existing stadium or venue;
- (b) the design of a planned stadium or venue; or
- (c) a stadium or venue under construction,

the stadium or venue owner must, before the commencement of the proposed alteration or extension, apply in the prescribed manner to a local authority within whose jurisdiction the stadium or venue is situated for written approval of the proposed alteration or extension. 15

(2) In deciding on the application contemplated in subsection (1) the local authority must take into account—

- (a) the certified safe capacity of a stadium or venue; 20
- (b) the spectator grandstand or multi-tiered seating design of a stadium or venue;
- (c) the spectator turnstiles of a stadium;
- (d) the emergency exits, access routes or gates inside a stadium or venue or within its precincts;
- (e) the physical spectator barricading inside a stadium and within its precinct; 25
- (f) the traffic management design and impact plan; or
- (g) whether the proposed alteration or extension is likely to affect the safety and security of persons at the stadium or venue.

(3) Where a holder of a safety certificate contemplated in section 8 intends to alter or extend a stadium or venue by erecting a temporary structure, he or she must apply in the prescribed manner for written approval contemplated in subsection (1). 30

High-risk event safety certificate

11. (1) Where the event has been—

- (a) provisionally categorised as a high-risk event by the National Commissioner in terms of section 5; or 35
- (b) endorsed or categorised as a high-risk event in terms of section 6,

the event organiser must at least 60 days before the event apply in the prescribed manner to the National Commissioner for a high-risk event safety certificate.

(2) The National Commissioner may issue a high-risk event safety certificate, which may be subject to prescribed conditions. 40

Contents of safety certificates

12. (1) A safety certificate may contain such conditions as—

- (a) the local authority, in the case of a safety certificate contemplated in section 8, 9 or 10; or
- (b) the National Commissioner, in the case of a high-risk event safety certificate 45 contemplated in section 11,

considers necessary to ensure safety and security at a stadium or venue when it is used to host the event.

(2) A safety certificate must—

- (a) reflect the terms and conditions upon which the decision to issue it is based; 50 and
- (b) comply with the terms and conditions as may be prescribed.

Amendments to safety certificates

13. (1) (a) A local authority may amend or replace a safety certificate contemplated in section 8, 9 or 10 in the prescribed manner. 55

(b) The National Commissioner may amend the conditions of a high-risk event safety certificate contemplated in section 11, in the prescribed manner.

(2) A safety certificate referred to in subsection (1) may be amended or replaced on written application of the holder of the certificate, a controlling body, event organiser or stadium or venue owner, as the case may be. 5

(3) The Minister may prescribe the procedure for amendment or replacement of a safety certificate after consultation with the National Commissioner.

Inspectors and powers of entry and inspection

14. (1) A person appointed in writing as an inspector by a local authority may enter a stadium, venue or other business premises of a controlling body, the event organiser or a stadium or venue owner at any reasonable time during the day to conduct an inspection and make such inquiries as may be necessary to ensure compliance with this Act. 10

(2) An inspector may be accompanied during an inspection by a police official and any other person reasonably required to assist in conducting the inspection.

(3) The inspector or police official may— 15

(a) require a person who appears to be in charge of the stadium, venue or premises to produce a safety certificate, record, book or other document, including documentation in electronic format relating to compliance with this Act;

(b) examine any document referred to in paragraph (a) and where necessary make a copy of any such document; and 20

(c) direct any person who appears to be in control of such premises to take steps within a reasonable period to ensure compliance with the Act.

(4) When appointing an inspector under subsection (1), a local authority must ensure that—

(a) a person appointed has sufficient qualifications and experience in the field of safety and security; 25

(b) at least one of the appointed persons is registered with the Health Professions Council of South Africa and is registered as an advanced life support paramedic;

(c) a person appointed has not at any time been convicted of a criminal offence involving dishonesty or violence; and 30

(d) a person appointed is independent of, and has no direct or indirect financial or other material interest in—

(i) a controlling body;

(ii) the event organiser; 35

(iii) a stadium or venue owner; and

(iv) any other person who is directly or indirectly linked to the persons referred to in subparagraphs (i) to (iii).

(5) The local authority must issue an inspector appointed in terms of subsection (1) with a certificate of appointment which the inspector must produce if so requested during an inspection. 40

(6) A person present at an inspection must cooperate with and furnish such assistance as the inspector or police official may require in the exercise of his or her powers under this Act.

Private events 45

15. (1) The Minister may, after consultation with the National Commissioner, by notice in the *Gazette* exempt certain private events specified in the notice which are organised by a natural person, either generally or subject to such conditions as may be specified in the notice, from the operation of this Act.

(2) The Minister may, after consultation with the National Commissioner, at any time by notice in the *Gazette* amend or repeal any notice issued under subsection (1). 50

CHAPTER 3

MEASURES TO ENSURE SAFETY AND SECURITY AT EVENTS

Event safety and security planning committee

16. (1) The National Commissioner must designate in writing a police official with at least the rank of Captain as an authorised member, either in general or for a specific event. 5

(2) An authorised member must establish the event safety and security planning committee for each event categorised as medium or high-risk.

(3) The event safety and security planning committee consists of—

(a) persons who are designated and authorised by the following role-players to take decisions on the functions of the committee: 10

- (i) The National Commissioner or an authorised member;
- (ii) a local authority disaster management department or centre;
- (iii) a controlling body;
- (iv) a stadium or venue owner; 15
- (v) the event organiser;
- (vi) an emergency service provider;
- (vii) a health and medical service provider acting in terms of the National Health Act;

- (viii) a security service of the State; 20
- (ix) a provincial health department; and

(b) a representative of—

- (i) a security service provider;
- (ii) a person that an authorised member considers necessary; and
- (iii) volunteers, where applicable. 25

(4) The authorised member contemplated in subsection (1)—

- (a) is the chairperson of the event safety and security planning committee;
- (b) appoints the members of the event safety and security planning committee;
- (c) manages and coordinates the powers and duties of the event safety and security planning committee; and 30
- (d) has overall authority to direct measures relating to safety and security at the event.

(5) Nothing in this section may be construed as limiting the liability of any person responsible for the management and organisation of the event to ensure safety and security, including the deployment of adequate personnel for security, safety, health and sanitation purposes. 35

Functions of event safety and security planning committee

17. (1) The event safety and security planning committee must—

(a) consider the categorisation of the event made in terms of section 5 or 6 and where circumstances impacting on the risk categorisation of the event have changed, make a written recommendation to the National Commissioner or, where applicable, the Minister, regarding that risk categorisation; 40

(b) prepare the event-specific written safety and security plan providing for the coordination of the functions of the following persons involved in the provision of safety and security at the event: 45

- (i) A police official;
- (ii) a member of a local authority disaster management department or centre;
- (iii) a member of an emergency service;
- (iv) a stadium or venue owner or duly authorised representative;
- (v) the event organiser; 50
- (vi) a security service provider employed by a controlling body, event organiser or a stadium or venue owner or other interested party;

- (vii) a steward;

- (viii) where applicable, a volunteer;
- (ix) a health and medical service provider acting in terms of the National Health Act; 55

- (x) a member of a provincial health department;

- (xi) a role-player that the authorised member considers necessary; and

- (xii) a member of the security services of the State.
 - (c) assign specific tasks to the persons contemplated in paragraph (b), relating to—
 - (i) event safety measures;
 - (ii) event security measures; 5
 - (iii) the deployment of police officials;
 - (iv) the deployment of security service providers;
 - (v) emergency and essential services measures;
 - (vi) the VOC; and
 - (vii) event medical measures; 10
 - (d) determine with regard to a specific event prescribed measures relating to—
 - (i) spectator access control;
 - (ii) vehicle access control;
 - (iii) accreditation;
 - (iv) the control of liquor and prohibited substances; 15
 - (v) the control of tobacco usage;
 - (vi) environmental control;
 - (vii) vendor control;
 - (viii) corporate hospitality;
 - (ix) volunteers; 20
 - (x) communication;
 - (xi) spectator exclusion notices;
 - (xii) accredited training of stadium, venue and event personnel;
 - (xiii) event ticketing safety measures; or
 - (xiv) prohibition notices; 25
 - (e) demarcate a site or an area in a site at the event as an area that may only be entered by a person in possession of a special pass in the form of—
 - (i) an accreditation card; or
 - (ii) the event ticket;
 - (f) demarcate a zone surrounding or adjacent to a stadium, venue or route as an exclusive zone where prescribed commercial activities may only be conducted by persons authorised by the event organiser; and 30
 - (g) advise the persons referred to in section 3(1) on the steps necessary to safeguard a stadium, venue or route and its respective precincts, as well as to protect persons and property therein. 35
- (2) In all cases where the event is categorised as high-risk, the event safety and security planning committee must, at least 60 days before such the event, submit the plan contemplated in subsection (1)(b) to the National Commissioner for written approval.
- Venue operations centre** 40
- 18.** (1) The VOC at an event is where the entire safety and security operation at a stadium, venue or along a route is coordinated.
- (2) (a) Where the event is held—
- (i) at a stadium or venue, the stadium or venue owner; or
 - (ii) along a route, the event organiser; 45
- must establish the prescribed VOC.
- (b) The event safety and security planning committee may—
- (i) on written application by the event organiser or the stadium or venue owner; or
 - (ii) of its own accord, 50
- approve the use of an alternative, temporary or mobile VOC for the event or decide that a VOC is not necessary for the event.
- (3) (a) The authorised member must determine which of the following role-players or representatives of such role-players are to staff a VOC for the duration of the event:
- (i) Police officials; 55
 - (ii) the disaster management services;
 - (iii) the private emergency medical services;
 - (iv) the fire department;
 - (v) the national or provincial health department or a member of the health department of the relevant local authority; 60
 - (vi) the local authority traffic department;

- (vii) the private security service providers;
 - (viii) the controlling body;
 - (ix) the event organiser;
 - (x) the stadium or venue owner;
 - (xi) the safety officer; 5
 - (xii) volunteers;
 - (xiii) any person whom the event safety and security planning committee designates; and
 - (xiv) any person whom the VOC commander authorises in writing.
- (b) The authorised member must act as VOC commander or designate a suitably qualified police official with at least the rank of Captain as VOC commander. 10
- (4) The VOC commander must—
- (a) ensure that a written VOC contingency and operational plan is prepared by the event safety and security planning committee;
 - (b) ensure that a plan for the event categorised as high-risk is approved by the National Commissioner in writing; and 15
 - (c) distribute a copy of such plan at least 30 days before the commencement of the event to the persons contemplated in subsection (3)(a) or such lesser period as the authorised member or VOC commander may in writing agree to.

Accreditation and access to designated areas 20

- 19.** (1) The controlling body, event organiser, or the stadium or venue owner, as the case may be, in consultation with the event safety and security planning committee, may, in order to control access to any area within a stadium, venue or along a route designated in the prescribed manner, accredit in the prescribed manner any person who— 25
- (a) participates;
 - (b) officiates;
 - (c) provides logistical support;
 - (d) is an emergency and essential services official;
 - (e) is a police official; 30
 - (f) is a security officer;
 - (g) is a host stadium or venue employee, contractor or sub-contractor;
 - (h) is a steward;
 - (i) is a health official;
 - (j) is an invited VVIP or VIP; 35
 - (k) is the event sponsor representative;
 - (l) is a media representative;
 - (m) is an official event broadcaster representative;
 - (n) is a volunteer;
 - (o) is a VOC representative; 40
 - (p) is a vendor; or
 - (q) is required to provide a support function in terms of the safety and security plan.
- (2) The event organiser must ensure that every entry point of a designated area is clearly identified and must indicate on a notice at such entry point that access to that area is limited to a person specifically accredited to enter that area. 45
- (3) No person may enter a designated area unless in possession of an accreditation card authorising him or her to enter such area.
- (4) A person who enters a designated area in contravention of subsection (3) is guilty of an offence and may upon conviction be sentenced to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment. 50
- (5) An access control officer may request any person who enters or is found in a designated area to produce an accreditation card authorising entry to such area.
- (6) An access control officer may refuse a person permission to enter a designated area unless such person produces an accreditation card authorising him or her to enter such area. 55
- (7) An access control officer may remove a person found in a designated area from that area if such person upon the request of the officer refuses or fails to produce an accreditation card authorising him or her to enter such area.
- (8) The Minister, after consultation with the National Commissioner and any other representative of a state department, may prescribe— 60

- (a) the process to be followed in respect of accreditation; and
- (b) identification, security and other physical features and information that have to be incorporated within accreditation cards.

Event ticketing

- 20.** (1) Subject to the rules of a controlling body— 5
- (a) the event organiser; or
 - (b) a stadium or venue owner,
- as the case may be, may require persons to purchase the event ticket that entitles the person holding it to attend the event on the day and at the time indicated on the ticket.
- (2) If event tickets are sold as contemplated in subsection (1), access to a stadium or venue may only be gained by— 10
- (a) producing a valid event ticket issued by the event organiser, a stadium or venue owner or an authorised agent; or
 - (b) producing written permission of the event organiser or a stadium or venue owner. 15
- (3) The total number of event tickets made available to spectators for the event in terms of this section, including the written permission referred to in subsection (2)(b), must not exceed the safe spectator capacity of a stadium or venue determined by a local authority for hosting the event.
- (4) The National Commissioner may, in the prescribed manner, prohibit the sale of event tickets at a stadium or venue on the day of the event. 20
- (5) If the sale of event tickets is permitted on the day of a high-risk event, such sale must be conducted at least one kilometre from a stadium or venue or at a location determined by the event safety and security planning committee.
- (6) The Minister, after consultation with the National Commissioner, may prescribe any matter relating to event ticketing necessary to ensure safety and security at events. 25

Spectator and vehicle access control

- 21.** (1) A controlling body, event organiser or stadium or venue owner, as the case may be, may appoint a security officer in writing as an access control officer to be in charge of the access of persons and motor vehicles at the event. 30
- (2) An access control officer may search—
- (a) a person who enters a stadium or venue; and
 - (b) a motor vehicle or container in the possession or under the control of a person who enters a stadium or venue,
- for any prescribed prohibited or restricted object or substance and may seize such an object or substance found on such person, in or on such motor vehicle or container and deal with the seized object or substance in the prescribed manner. 35
- (3) If an access control officer has reasonable grounds to believe that a person, motor vehicle or container found along a route is in possession of or carries a prescribed prohibited or restricted object or substance, the access control officer may request a police official at the event to search that person, motor vehicle or container and the police official may seize the prescribed prohibited object or substance and deal with the seized object or substance in the prescribed manner. 40
- (4) In order to achieve the objects contemplated in subsection (2) or (3), an access control officer may request a person at the event who enters a stadium or venue or is found inside a stadium or venue or along a route to— 45
- (a) produce and open for inspection any bag, container or item that the person takes into, or has in his or her possession inside, a stadium, venue or along a route;
 - (b) submit to being searched by an access control officer of the same gender; 50
 - (c) be screened by an electronic search and scanning device; or
 - (d) allow his or her belongings, including a motor vehicle, to be screened by physical or electronic scanning devices.
- (5) An access control officer must have displayed on his or her person an accreditation card issued under section 19 certifying his or her appointment. 55
- (6) An access control officer may prevent a person from entering a stadium or venue if such person refuses to comply with a request made under subsection (4).

(7) An access control officer may direct a person who is in a stadium, venue or along a route and who refuses to comply with a request made under subsection (4) to leave the stadium or venue or route.

(8) No person may take or have in his or her possession inside a stadium, venue or along a route any prescribed prohibited or restricted object or substance. 5

(9) The controlling body, event organiser, or the stadium or venue owner, as the case may be, must ensure that every entry point to a traffic-free zone is clearly identified and must indicate on a notice at such entry point that access to that zone is limited to a person and a motor vehicle specifically accredited to enter it.

(10) No person may drive a motor vehicle into or in a traffic-free zone unless he or she is in possession of an accreditation card authorising him or her and the motor vehicle to enter such zone. 10

(11) A person who drives a motor vehicle into or in a traffic-free zone in contravention of subsection (10) is guilty of an offence and may upon conviction be sentenced to a fine or to imprisonment for a period not exceeding six months or to both a fine and such imprisonment. 15

(12) An access control officer who has reasonable grounds to believe that a motor vehicle found in a traffic-free zone is not accredited to enter that zone, may—

(a) if the owner or driver of the motor vehicle is readily available, order such owner or driver to remove the motor vehicle from the zone; or 20

(b) if the owner or driver of the motor vehicle is not readily available, remove the motor vehicle from the zone and impound the motor vehicle, and the owner shall bear the costs of such removal and impoundment.

(13) An access control officer may request a person who drives a motor vehicle into or in a traffic-free zone, to produce an accreditation card authorising such person and motor vehicle to enter that zone. 25

(14) An access control officer may refuse permission to a person to drive a motor vehicle into a traffic-free zone unless such person produces an accreditation card authorising him or her and the motor vehicle to enter such zone.

(15) An access control officer may direct a person, found in a motor vehicle in a traffic-free zone, to remove the vehicle from the zone if such person upon the request of the officer refuses or fails to produce an accreditation card authorising him or her and the motor vehicle to enter such zone. 30

(16) A person who refuses or fails to produce an accreditation card and who refuses or fails to remove a motor vehicle from a traffic-free zone when directed to do so by an access control officer, is guilty of an offence and may upon conviction be sentenced to a fine or to imprisonment not exceeding six months or to both a fine and such imprisonment. 35

(17) The Minister of Police, after consultation with the Minister, may prescribe measures necessary to control spectator and vehicle access at events. 40

Prohibition notices

22. If the admission of spectators to a stadium, venue or route involves a serious risk to any person at the event, the National Commissioner or the authorised member may, after consulting the event safety and security planning committee, issue the prescribed prohibition notice prohibiting or restricting the admission of spectators to a stadium, venue or route. 45

Spectator exclusion notices

23. (1) If the National Commissioner, event safety and security planning committee, authorised member or VOC commander has reasonable grounds to believe that there is a threat that the attendance of a person or group of persons may result in the disruption of the event or cause injury to a person or damage to property, the authorised member or VOC commander may issue a spectator exclusion notice to a person or group of persons in the prescribed manner. 50

(2) The Minister, after consultation with the National Commissioner and taking into account any international standards or guidelines in respect of spectator exclusion, may prescribe factors that must be taken into account in deciding whether the attendance of a person or group of persons at the event is regarded as undesirable. 55

Event safety and security measures

- 24.** The event safety and security planning committee, taking into consideration the categorisation of the event, must ensure that prescribed measures relating to—
- (a) safety;
 - (b) health and medical services or facilities; 5
 - (c) security;
 - (d) the deployment of private security service providers; and
 - (e) emergency and essential services,
- are in place for that event.

Deployment of state security services 10

- 25.** (1) The National Commissioner or the authorised member must, taking into consideration the risk categorisation of the event in terms of section 5 or 6, ensure that the necessary security measures and deployments are in place for the event.
- (2) If a number of events are hosted on the same day in a specific area and the authorised member has reason to believe that the police will not be able to provide adequate policing for the event, the authorised member must— 15
- (a) notify the relevant controlling body, event organiser or stadium or venue owner, as the case may be, accordingly; and
 - (b) take such steps as are in the circumstances reasonable and appropriate, including negotiating with any person, to ensure the protection of persons and property at that event. 20

Appeal Board

- 26.** (1) There is hereby established an independent board known as the Appeal Board to hear and decide on appeals against decisions made in terms of this Act.
- (2) The Appeal Board consists of at least five members, appointed by the Minister, who possess special knowledge and expertise relating to safety and security at sports and recreational events. 25
- (3) The Minister must appoint at least two of the members referred to in subsection (2) from a written list of at least five persons recommended by the National Commissioner.
- (4) (a) At least one member appointed by the Minister must be an admitted and practicing attorney or advocate with at least five years' experience in the subject matter of this Act. 30
- (b) The person referred to in paragraph (a) must act as chairperson of the Appeal Board.
- (5) A member of the Appeal Board is appointed for a period of two years, but is eligible for re-appointment. 35
- (6) A member of the Appeal Board may resign by giving the Minister one month's written notice of his or her intention to vacate office.
- (7) The remuneration of the members of the Appeal Board is determined by the Minister in consultation with the Minister of Finance. 40
- (8) In addition to hearing any dispute arising in terms of this Act, the Appeal Board may hear appeals involving a person who is aggrieved by a decision or the terms and conditions attributable to that decision regarding—
- (a) the risk categorisation of the event;
 - (b) the issuing of a— 45
 - (i) safety certificate contemplated in section 8, 9, 10 or 11;
 - (ii) prohibition notice; or
 - (iii) spectator exclusion notice; and
 - (c) the amendment of— 50
 - (i) the risk categorisation of the event; or
 - (ii) a safety certificate or notice referred to in paragraph (b).
- (9) The Appeal Board may confirm or set aside any decision taken in terms of this Act and may, in the place of any decision so set aside, impose a decision which in its opinion is appropriate.

Appeals

27. (1) A person that is not satisfied with a decision taken against him or her under this Act may, within 14 days, lodge a written appeal with the Appeal Board established under section 26.

(2) The appeal contemplated in subsection (1) must be submitted with a written statement to the chairperson of the Appeal Board setting out the grounds upon which the appeal is based. 5

(3) Until any appeal has been decided by the Appeal Board, the decision must be regarded to have been validly made or given.

(4) The prosecution of an appeal in terms of this section must follow the prescribed procedure. 10

Public liability insurance

28. A person referred to in section 3(1) must ensure that public liability insurance cover, as prescribed, is in place for the event.

CHAPTER 4

15

GENERAL PROVISIONS, SHORT TITLE AND COMMENCEMENT

Fees

29. The Minister may prescribe fees that are payable to meet administrative costs relating to compliance with this Act.

Offences and penalties

20

30. (1) A person is guilty of an offence if that person—

- (a) organises the event in contravention of section 4(1);
- (b) fails to comply with the provisions of section 3(1), 3(2), 3(4)(a), 3(4)(b), 3(5)(a) and 3(7);
- (c) contravenes or fails to comply with section 4(2); 25
- (d) fails to comply with section 14(6);
- (e) organises the event without obtaining a valid certificate contemplated in section 8;
- (f) undertakes construction of a stadium or venue without obtaining a valid certificate contemplated in section 9; 30
- (g) effects alterations to or extends a stadium or venue without obtaining a valid certificate contemplated in section 10;
- (h) organises the event, where the event has been provisionally categorised as a high-risk event, without obtaining a certificate contemplated in section 11;
- (i) fails to comply with the conditions of a safety certificate contemplated in section 12; 35
- (j) fails to comply with a prohibition notice contemplated in section 22;
- (k) fails to comply with a spectator exclusion notice contemplated in section 23;
- (l) contravenes the event ticket condition, or written conditions of entry into a stadium or venue or route; 40
- (m) is in possession of a prohibited or restricted object or substance within a stadium or venue or along a route;
- (n) fails to comply with a lawful request of or directive given by a police official, or hinders, interferes with or obstructs a police official, a private security service provider, a member of the event safety and security planning committee, an access control officer, a member of the emergency or essential services, or a member of a local authority, in the carrying out of their duties; 45
- (o) hinders or interferes with or obstructs an authorised member or VOC commander in the carrying out of his or her duties;
- (p) throws, kicks, knocks or hits any object within a stadium, venue or along a route or its respective precincts at or towards— 50
 - (i) the playing area, or any area adjacent to the playing area to which spectators are not generally admitted; or

- (ii) any area in which spectators or other persons are or may be present, without authorisation;
- (q) damages or destroys any movable or immovable property inside a stadium or venue or along a route or its respective precincts without authorisation;
- (r) engages in delinquent and anti-social behaviour inside a stadium or venue or along a route or its respective precincts, including engaging in racist, vulgar, inflammatory, intimidating or obscene language or behaviour; 5
- (s) enters a designated area or traffic-free zone inside a stadium, venue or route or its respective precincts, without the prior written authorisation of a controlling body, event organiser or stadium or venue owner; or 10
- (t) conducts commercial activities at the event without authorisation of the event organiser. 10

(2) A person convicted of an offence in terms of subsection (1) is liable on conviction to a fine or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment. 15

Regulations

31. (1) The Minister may make regulations regarding—

- (a) any matter that may or must be prescribed in terms of this Act;
- (b) the form and manner in which an application required under this Act must be made; 20
- (c) the format of a certificate which may be issued under this Act;
- (d) the format of any notice contemplated in this Act;
- (e) fees contemplated in section 29;
- (f) the control of vendors at events;
- (g) the control and monitoring of commercial activities at events; or 25
- (h) any other ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

(2) The Minister may, after consultation with the Minister of Police, make regulations on— 30

- (a) matters related to safety and security, including but not limited to—
 - (i) the information in respect of planned activities;
 - (ii) the provision of emergency and essential services at events; or
 - (iii) the ticketing of events;
- (b) the criteria, conditions and other requirements for the issuing of certificates in respect of the event; and 35
- (c) all matters related to accreditation.

(3) The Minister of Police may, after consultation with the Minister, make regulations on matters related to safety and security, including but not limited to—

- (a) the respective roles and responsibilities of safety and security role-players at events; 40
- (b) the deployment of state security services at events;
- (c) the provision of emergency and essential services at events;
- (d) the powers of police officials at events; or
- (e) the functioning and monitoring of the VOC. 45

(4) Any regulation made under this section may declare a contravention thereof or failure to comply therewith to be an offence and that a person convicted of such an offence may be sentenced to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.

Delegation 50

32. (1) The Minister may delegate any of his or her powers or assign any of his or her duties imposed by this Act, excluding the power to make regulations, to any official in his or her Department holding the rank of at least Deputy Director-General.

(2) Any delegation or assignment contemplated in subsection (1)—

- (a) may be made subject to such conditions as the Minister may determine; and 55
- (b) must be in writing.

(3) The Minister may at any time withdraw a delegation or assignment in writing.

(4) The National Commissioner may delegate any of his or her powers or assign any of his or her duties imposed by this Act to any police official of the rank of Captain or above.

(5) Despite a delegation or assignment under subsection (4), the National Commissioner is not divested of any power or duty so delegated or assigned.

5

Limitation of liability

33. The following persons are not personally liable in respect of any act or omission performed in good faith while exercising powers or performing functions in terms of this Act, unless that performance was grossly negligent:

- (a) The Minister or the Minister of Police; 10
- (b) a person acting in terms of the authority of the Minister or the Minister of Police;
- (c) the National Commissioner or an authorised member;
- (d) a person acting under the lawful direction of the National Commissioner or authorised member; 15
- (e) a member of the Appeal Board contemplated in section 26 of the Act; or
- (f) a combination of any of the above persons.

Short title and commencement

34. This Act is called the Safety at Sports and Recreational Events Act, 2009, and comes into operation on a date determined by the President by proclamation in the *Gazette*. 20

MEMORANDUM ON THE OBJECTS OF THE SAFETY AT SPORTS AND RECREATIONAL EVENTS BILL, 2009

1. 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, 2009 (the Bill).

2. OBJECTS OF 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;
- ensuring that the planning, management and enforcement of safety and security at sports and recreational events held at stadiums, other venues and at events in the form of a race, tour or procession along a route, are handled by people experienced in the field of safety and security;
- ensuring that the controlling bodies of all sports and recreational events, event organisers and stadium and venue owners and their managements have proper safety and security measures in place;
- requiring the controlling bodies of all sports and recreational events, event organisers and stadium and venue owners and their managements to place the broader sport and recreational interests above their own by the promotion and maintenance of the safety, security and convenience of persons who attend sports and recreational events;
- 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 OF BILL

3.1 **Clause 1** contains the definitions of the Bill, whereas **Clause 2** deals with the application of the Act.

3.2 **Clause 3** identifies the role-players that are responsible for the safety and security at sports and recreational events at stadiums or other venues.

3.3 **Clause 4** prohibits any person from organising the event unless that person complies with the requirements of the Act regarding the categorisation of the event in terms of clauses 5 and 6 and with regard to public liability insurance for the event.

3.4 **Clause 5** provides for the provisional risk categorisation of events by the National Commissioner, while **clause 6** provides for the final categorisation of events by the Minister of Sport and Recreation.

3.5 **Clause 7** provides for the following categories of safety certificates:

- (a) A high-risk event safety certificate;
- (b) an existing stadium or venue safety certificate;
- (c) a new stadium or venue safety certificate;
- (d) a certificate in respect of an alteration or extension to a stadium or venue; and
- (e) a grading certificate.

3.6 **Clause 8** provides for the safety certification of an existing stadium or venue.

3.7 **Clause 9** provides for safety certification of a new stadium or venue.

3.8 **Clause 10** provides for the certification in respect of an alteration of or extension to a stadium or venue.

3.9 **Clause 11** contains provisions with regard to the safety certification in respect of a high-risk event.

3.10 **Clause 12** provides for the contents of safety certificates.

3.11 **Clause 13** provides for the amendment of safety certificates.

3.12 **Clause 14** provides for the appointment of inspectors and their powers of entry and inspection.

3.13 **Clause 15** provides for the Minister of Sport and Recreation to exempt certain private events organised by natural persons.

3.14 **Clause 16** provides for the establishment of the event safety and security planning committee, and **clause 17** provides for the functions of the event safety and security planning committee.

3.15 **Clause 18** provides for the establishment of the venue operations centre (VOC), which is where the safety and security operation at a stadium, venue or along a route is coordinated.

3.16 **Clause 19** provides for the accreditation of persons at events by the controlling body, event organiser or stadium or venue owner in consultation with the event safety and security planning committee, in order to control access to any designated area within a stadium, venue or along a route.

3.17 **Clause 20** regulates the sale of tickets in respect of the event.

3.18 **Clause 21** contains provisions regulating spectator and vehicle access control at the event.

3.19 **Clause 22** provides for the issuing of a prohibition notice that prohibits the admission of spectators to a stadium or venue if the admission may pose a serious risk to the safety of spectators.

3.20 **Clause 23** provides for the issuing of spectator exclusion notices where the event safety and security planning committee, authorised member or VOC commander has reasonable grounds to believe that the attendance of a person or group of persons may disrupt the event or cause injury to persons or property.

3.21 **Clauses 24 and 25** provide for event safety and security measures and for the deployment of State security services at a stadium or a venue, respectively.

3.22 **Clause 26** provides for the establishment of an Appeal Board to hear appeals emanating from decisions made in terms of the Act. **Clause 27** provides for the appeals process.

3.23 **Clauses 28 and 29** provide for public liability insurance and for the payment of fees in respect of the Act, respectively.

3.24 **Clause 30** makes provision for offences and penalties under the Act.

3.25 **Clause 31** provides for the issuing of regulations.

3.26 **Clause 32** provides for the delegation of powers under the Act.

3.27 **Clause 33** provides for the limitation of liability for any act performed in good faith without gross negligence under the Act, and **clause 34** contains the short title and commencement of the Act.

4. DEPARTMENTS/BODIES/PERSONS CONSULTED

4.1 The following bodies/persons have been consulted:

4.1.1 Judges:

Judge Ngoepe, who spearheaded the Ngoepe Commission of Enquiry referred to in paragraph 1 above.

4.1.2 National Departments:

- (a) Safety and Security;
- (b) Arts and Culture;
- (c) Education;
- (d) Provincial and Local Government;
- (e) Health;
- (f) Public Works;
- (g) Public Enterprises;
- (h) Trade and Industry;
- (i) Communications;
- (j) Justice;
- (k) Foreign Affairs;
- (l) Labour;
- (m) National Intelligence Agency;
- (n) Environmental Affairs;

- (o) Transport;
- (p) Defence;
- (q) National Treasury; and
- (r) Public Service and Administration (DPSA).

4.1.3 Provinces:

All provincial departments of sport and recreation.

4.1.4 Statutory and other bodies:

- (a) South African Sports Commission;
- (b) Telkom;
- (c) Airports Company;
- (d) South African Institute for Drug-free Sport; and
- (e) Secretariat for Safety and Security.

4.1.5 National sports and recreation federations:

All national sport and recreation federations.

4.1.6 Major sports controlling bodies:

- (a) SAFA;
- (b) SARFU;
- (c) United Cricket Board; and
- (d) Gauteng Cricket.

4.1.7 Disaster Management:

National and Provincial Disaster Management.

4.1.8 City Metropolitan Councils:

- (a) Johannesburg Metro Disaster Management;
- (b) Johannesburg Metro Fire Brigade;
- (c) Johannesburg Metro Council;
- (d) Johannesburg Metro Police;
- (e) Tshwane Metro Council;
- (f) Ekurhuleni Metro Council; and
- (g) Buffalo City Municipality.

4.1.9 Emergency services:

- (a) Netcare;
- (b) Afrox Health; and
- (c) Free State Emergency Medical Services.

4.1.10 Sports sponsors:

- (a) MegaPro; and
- (b) SAIL.

4.1.11 Stadium Security Services:

- (a) Bhejane Security;
- (b) ADT Security; and
- (c) Wolf Security.

4.1.12 Stadium managers:

- (a) Ellis Park;
- (b) Border Rugby; and

(c) ABSA Stadium.

4.1.13 Representatives in the following fields of expertise:

- (a) Major Events Communications;
- (b) Organised labour;
- (c) Training;
- (d) Stadium Electrical Engineers; and
- (e) Stadium designers.

4.1.14 In addition to the above, the general public at large was invited to comment through three advertisements in the media and also by making the Bill accessible to the public on the Department's website.

5. IMPLICATIONS FOR PROVINCES

The Bill seeks to address safety and security at the event at a stadium or venue or along a route in South Africa from a national perspective. There are, therefore, no direct implications for the Provinces.

6. FINANCIAL IMPLICATIONS FOR STATE

6.1 The Bill will, by estimation, have the following financial implications as projected over the next three financial years:

| | 2010/11 | 2011/12 | 2012/13 |
|--------------------|----------------|----------------|----------------|
| Income | 137 000 | 205 500 | 275 500 |
| Expenditure | 3 646 000 | 3 076 648 | 3 209 797 |
| Deficit | -3 509 000 | -2 871 148 | -2 934 297 |

6.2 The administration of this Act when promulgated entails the involvement of two Ministers, namely Sport and Recreation and Safety and Security.

6.3 The costs flowing from the said proclamation shall be borne by Sport and Recreation South Africa and Safety and Security relative to the particular issues of the Act covered by the said proclamation of the President.

7. PARLIAMENTARY PROCEDURE

7.1 The State Law Advisers and the Department of Sport and Recreation are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

7.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.