

## **The National Sport and Recreation Amendment Bill**

### ***Introduction***

Not many are aware of the National Sport and Recreation Act 110 of 1998 (hereinafter referred to as “the Act”) and those who are will undoubtedly be aware of the Act's concise form. The Act provides for the promotion and co-ordination of sports and recreation, the promotion of equity and democracy and for the appropriate dispute resolution mechanisms. The Minister of Sport and Recreation, Mr Nathi Mthethwa, has recently closed the period for inputs and comments from the public on proposed amendments to the Act, some of which are highlighted below.

### ***The Bill***

The National Sport and Recreation Amendment Bill (hereinafter referred to as “the Bill”) has proposed a number of amendments to allow for the restructuring of sports and recreational activities. If approved, the Bill will extend the operation of the laws governing these activities to private sporting clubs and facilities including gyms and other wellbeing centers. As part of the extension of powers already in existence, the Bill aims to achieve a position of authority over all sporting codes and its relevant federations, providing for intervention by the Minister in all areas.

### ***Contents of the Bill***

Under the proposed amendments, the Minister would be given the explicit authority to determine policy objectives to be achieved in different sporting codes with the aim of improving representation and to provide for the inclusion of previously disadvantaged persons, similar to the quota system being used in cricket and rugby for example.

The Bill further pushes to reduce the onus on Sport and Recreation South Africa to provide for physical sports and recreational facilities, instead proposing for this to be a discretionary decision based on the availability of funds rather than an obligation as it currently stands.

The Minister would need to approve all applications for the bidding and hosting of major international sports and recreational events and no such hosting may take place without a written letter of

approval from the Minister and a written submission to the Sports Confederation.

Combat sport will be recognised and there will also be grounds to establish the Fitness Regulatory Body with the objects of this body to oversee, administer and govern the fitness industry which is an ever-expanding space in South Africa. This authority would be responsible for the accreditation of fitness professionals, ensuring the safe environment of fitness spaces and will have the authority to issue sanctions where deemed necessary.

### ***Inquiries and Penalties***

The most interesting extension of powers lay in the proposed amendment to allow for the Minister, of his/her own volition, to institute an investigation or inquiry into any allegation where they deem appropriate. Possible matters include those relating to unethical behavior or matters which may bring a body into disrepute. Any person who willfully interrupts these inquiries or attempts to intentionally obstruct any such investigations will be guilty of an offence.

Additionally, the Bill contains a penalty clause relating to a number of offences. If one is found guilty of manipulating the outcome of a sport or recreational event, accepts a bribe or is implicit in forwarding the objects of a scheme with the intention of undermining a sporting event or threatening to do so, they would be liable for a penalty of a fine or period of imprisonment not exceeding 20 years (or a combination of the two)

### ***Conclusion***

The Bill in its current form would bring a lot of accountability to the sport and recreation sector. It would also introduce a Tribunal to adjudicate matters of appeal and review in these sectors with the authority to make rulings and awards. It would be a monumental step forward for the formalisation of the structures to address these issues and will, once in operation, provide for more clarity in a specialised manner. Often sports and recreational activities are unique in nature as there are elements of physical and administrative powers at play simultaneously.

The period allowed for comments and feedback officially closed on 28 February 2020 with those submitted to be considered. Once approved it will come into effect at a date yet to be determined.