

REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN OLYMPIC BID
AND HOSTING BILL**

(As introduced)

(MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT)

[B 66—97]

REPUBLIEK VAN SUID-AFRIKA

**WETSONTWERP OP
SUID-AFRIKAANSE OLIMPIESE
BOD EN GASHEERSKAP**

(Soos ingedien)

(MINISTER VIR PROVINSIALE SAKE EN STAATKUNDIGE ONTWIKKELING)

[W 66—97]

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BILL

To provide authority for a city in South Africa to enter a bid for the Olympic Games and for the Host City to enter into the host contract on being awarded the bid to host the Olympic Games; to provide for the protection of Olympic Symbols and the validation of actions taken before this Act takes effect; and to provide for matters connected therewith.

PREAMBLE

WHEREAS it is desirable for the Government of the Republic of South Africa to convey its support for a city in South Africa to host the Olympic Games by making specific provision to enable a city to host the Olympic Games;

WHEREAS the supreme authority of the International Olympic Committee in all Olympic matters related to sports is recognised;

WHEREAS the Covenant given by the National Government in respect of a bid by a city to host the Olympic Games is endorsed;

WHEREAS it is desirable for all organs of state to endeavour to give priority to any action required by a city for the successful hosting of the Olympic Games; and

WHEREAS the spirit of Olympism will specifically make a meaningful contribution to the welfare of the people of the Republic of South Africa, its region and the Continent of Africa;

—

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - “**bid**” means a bid by a city to host the Olympic Games and includes the process of preparing the formal bid; 5
 - “**Bid Committee**” means a bid committee established under section 2(2);
 - “**Covenant**” means the Covenant by the National Government to respect the provisions of the Olympic Charter and to meet the requirements set by the IOC for the hosting of the Olympic Games; 10
 - “**endorsement contract**” means the contract required by NOCSA for a city to enter a bid;
 - “**Host City**” means the city in South Africa which has been awarded the bid by the IOC;
 - “**host contract**” means the contract the Host City is required to conclude with the IOC if awarded the bid; 15
 - “**IOC**” means the International Olympic Committee and its structures;
 - “**NOCSA**” means the National Olympic Committee of South Africa and its structures;
 - “**OCOG**” means the Organising Committee of the Games required to be created 20 by the Host City and NOCSA in accordance with the host contract.

Authority for city to enter bid to host Olympic Games

2. (1) A city that has been authorised by NOCSA to enter a bid may conclude the endorsement contract required by NOCSA and prepare the bid.
- (2) The city in question may establish a bid committee to, on behalf of the city— 5
- (a) conclude the endorsement contract;
 - (b) prepare the bid; and
 - (c) comply with any requirements of the IOC for the bid.
- (3) The city in question or the Bid Committee may enter into any agreement required by the endorsement contract or the IOC.
- (4) In preparing the bid, and in complying with the endorsement contract, the city in question or the Bid Committee may— 10
- (a) provide the required guarantees;
 - (b) accept any obligation or liability contemplated in the endorsement contract, or required by NOCSA or the IOC; and
 - (c) make any deposit required by the endorsement contract, NOCSA or the IOC. 15
- (5) Any organ of state may—
- (a) provide any guarantee required by the city in question or the Bid Committee; or
 - (b) accept any obligation in support of the bid.
- (6) All actions contemplated in subsections (4) and (5) which have financial implications or consequences require the approval of the Minister of Finance. 20

Authority for Host City to enter into host contract

3. (1) The Host City may, with the approval of the Minister of Finance, enter into the host contract on being awarded the bid.
- (2) The Host City may— 25
- (a) attach the Covenant to the host contract;
 - (b) accept the obligations and liabilities set out in the host contract;
 - (c) provide the required guarantees;
 - (d) create any structure or institution required by the host contract;
 - (e) make any deposit required by the host contract; 30
 - (f) perform any other act to comply with the host contract.
- (3) The Host City, NOCSA and the OCOG may enter into any agreement required by the host contract.

Protection of Olympic Symbols

4. (1) The exclusive rights of the IOC to the Olympic Symbol, the Olympic Flag, the Olympic Motto and the Olympic Anthem referred to in the Olympic Charter of the IOC are recognised. 35
- (2) NOCSA must take steps under any applicable law for the protection of the exclusive rights of—
- (a) the IOC in the Olympic Symbol, Flag, Motto and Anthem; or 40
 - (b) the IOC, NOCSA and the OCOG in any Olympic Emblem created by any of the said committees.

Validation of prior actions

5. Any action taken by a city or institution authorised by such a city and NOCSA to enter a bid, or any action taken by any organ of state in respect of such a bid, before this Act takes effect, is regarded as having been taken under this Act. 45

Short title

6. This Act is called the South African Olympic Bid and Hosting Act, 1997.

MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN OLYMPIC BID AND HOSTING BILL, 1997

Since it is deemed desirable for the Government of the Republic of South Africa to convey its support for a South African city to host the Olympic Games by making specific provision for a city to host the Olympic Games, the object of the Bill is to provide for present and future actions regarding the hosting of the Olympic Games by a South African city.

In so far as the hosting of the Olympic Games involves the local sphere of government, section 164 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), provides the necessary authorisation for national legislation to prescribe any matter concerning local government not dealt with in the Constitution. Section 10C(2) and (3) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), makes provision for a metropolitan council or a metropolitan local council, as the case may be, to have such other powers and duties conferred or imposed upon or delegated or assigned to it by or under any law. The same arrangement is made by section 10D(1)(b) of the Local Government Transition Act, 1993, in respect of a district council, a local council and a rural council. The Bill, if adopted, will be such a law.

Clause 1 of the Bill contains certain definitions.

Clause 2 of the Bill authorises a city to enter a bid to host the Olympic Games.

Clause 3 of the Bill authorises the Host City to enter into the host contract on being awarded the bid to host the Olympic Games.

Clause 4 of the Bill provides for the protection of Olympic Symbols.

Clause 5 of the Bill validates actions taken in respect of a bid to the Olympic Games before the Act takes effect.

In view of the fact that the Bill is not a Bill referred to in subsection (3), (4) or (5) of section 76 of the Constitution the Department for Provincial Affairs and Constitutional Development and the State Law Advisers are of the opinion that the legislative procedure provided for in section 75 of the Constitution has to be followed in respect of the Bill.

CONSULTATION

The Bill has been published for public comment as required by section 154(2) of the Constitution. The Departments of Finance and Trade and Industry were consulted.