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GENERAL NOTICE

NOTICE 1149 OF 1997

MINISTRY FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT

OLYMPIC BID AND HOSTING BILL, 1997

1. I, Mohammed Valli Moosa, Minister for Provincial Affairs and Constitutional Development, under section 154 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), hereby publish the Olympic Bid and Hosting Bill, 1997, for public comment.
2. Comments must please be submitted in writing to:
*The Director-General
Attention: Dr P. J. Boucher
Department of Constitutional Development
Private Bag X804
PRETORIA
0001*
3. Comments may also be faxed to facsimile number (012) 44-2200 or (012) 341-8523 at the above address.
4. Comments must be received by not later than **8 August 1997**.

DRAFT**OLYMPIC BID AND HOSTING BILL, 1997**

To provide authority for a city in South Africa to enter a bid for the Olympic Games; to provide authority for a Host City to sign the host contract on being awarded the hosting of the Olympic Games; to make provision for the protection of Olympic Symbols; to provide for the exemption from complying with specific procedures required by law; to make provision for the recognition of Swiss Law in respect of the host contract; to provide for the validation of actions taken prior to the coming into effect of this Act; and to provide for matters connected therewith.

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

WHEREAS such a legal framework will in effect recognise the supreme authority of the International Olympic Committee in all Olympic matters related to sports;

WHEREAS such a legal framework will strengthen the Covenant given by the National Government in respect of a bid by a city to host the Olympic Games;

WHEREAS it is desirable to convey the intention by all organs of state to give full 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 mankind in 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 indicates otherwise-

"bid" includes the process of preparing a formal bid for the hosting of the Olympic Games;

"Bid Committee" means the structure or institution contemplated in 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;

"endorsement contract" means the contract required by the NOC for a city to enter a bid for the hosting of the Olympic Games;

"Host City" means the city to whom the hosting of the Olympic Games has been awarded by the IOC;

"host contract" means the contract the Host City is required to enter with the IOC on being awarded the hosting of the Olympic Games;

"IOC" means the International Olympic Committee and its respective structures;

"Minister" means the Minister of Sport and Recreation acting in consultation with the Minister for Provincial Affairs and Constitutional Development, and also in consultation with the Minister of Finance where an exemption contemplated in section 5 has financial implications;

"NOC" means the National Olympic Committee of South Africa and its respective structures;

"OCOG" means the Organising Committee of the Games required to be created by the Host City and the NOC in compliance with the host contract;

"Olympic Games" means the specific Olympic Games in respect of which a bid has been, or is being, made for the hosting of that Olympic Games, or in respect of which the hosting thereof has been awarded to a particular city, as the case may be.

Authority for a city to enter a bid for the hosting of the Olympic Games

2. (1) A city that has been authorised by the NOC to enter a bid for the hosting of the Olympic Games may enter into the endorsement contract required by the NOC, and proceed to prepare for the bid.

(2) The city in question may create any structure or institution under any applicable law to enter into the endorsement contract on behalf of the city, prepare for the bid, and meet the requirements of the IOC for the bid.

(3) The city in question, or the Bid Committee, may enter into any contract, agreement or arrangement required or prescribed by the endorsement contract or the IOC.

(4) In preparing for the bid, and in complying with the provisions of the endorsement contract, the city in question or the Bid Committee, may-

(a) provide the required guarantees, irrespective of any guarantee being required to be provided in a foreign currency;

(b) accept any commitment or liability set out by the endorsement contract, or required by the NOC or the IOC; and

(c) make any deposit required by the endorsement contract, the NOC or the IOC, irrespective of it being in a foreign currency.

(5) Any relevant organ of state is authorised to provide any guarantee required by the city in question or the Bid Committee, or to enter into any commitment in support of the bid.

Authority for Host City to sign host contract

3. (1) On being awarded the hosting of the Olympic Games, the Host City may enter into the host contract.

(2) The Host City is authorised to comply with all the provisions of the host contract, including, but not limited to, the following:

- (a) The attachment of the Covenant to the host contract;
- (b) The acceptance of all commitments and liabilities set out in the host contract;
- (c) Providing the required guarantees, irrespective of any guarantee being required to be provided in a foreign currency;
- (d) The creation of any structure or institution required by the Host contract;
- (e) The making of any deposit required by the host contract, irrespective of it being in a foreign currency.

(3) The Host City the NOC and the OCOG are authorised to enter into any contract, agreement or arrangement required by the host contract and to fulfil its requirements.

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.

(2) The NOC must take steps under any applicable law to prohibit the unauthorised use of the Olympic Symbol, Flag, Motto or Anthem, or any Olympic Emblem created by the IOC, the NOC or the OCOG.

Exemption from provisions of any law

5. In order to comply with the provisions of the host contract, the Minister may by proclamation in the *Government Gazette* and on the conditions determined by herself or himself, exempt the Host City, the NOC or the OCOG from complying with specific procedures required by any law: Provided that-

- (a) such an exemption may be provided with retrospective effect; and
- (b) such proclamation may be amended with retrospective effect.

Recognition of Swiss Law

6. The Swiss Law is recognised as the law governing the host contract.

Validation of prior actions

7. Any action taken by a city, or institution authorised by such a city, and the NOC to enter a bid for the hosting of the Olympic Games, or any action taken by any organ of state in respect of such a bid, prior to the coming into effect of this Act, is regarded as having been done under this Act.

Short title

8. This Act is called the Olympic Bid and Hosting Act, 1997.

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

It is deemed desirable for the Government of South Africa to convey its support for a city to host the Olympic Games by making specific provision for a legal framework enabling a city to host the Olympic Games. It is the intention with the Bill to provide such a legal framework for present, as well as future, actions towards the hosting of the Olympic Games by a South African city.

In view of the fact that the hosting of the Olympic Games primarily involves the local sphere of government, it appears that section 164 of the Constitution 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), also 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.

Clause 1 of the Bill contains certain definitions.

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

Clause 3 of the Bill authorises the Host City to sign the host contract on being awarded the hosting of the Olympic Games.

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

Clause 5 of the Bill makes provision for the Minister to exempt the Host City, the NOC and the OCOG from complying with specific procedures required by any law, on the conditions determined by the Minister.

Clause 6 of the Bill recognises the Swiss Law as the law governing the host contract.

Clause 7 of the Bill validates actions taken in respect of a bid for the hosting of the Olympic Games prior to the coming into effect of the Act.

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, and in view of the fact that the Bill appears to be authorised by section 164 of the Constitution, it appears that the legislative procedure provided for in section 75 of the Constitution has to be followed in respect of the Bill.

The Bill has been published for public comment as required by section 154(2) of the Constitution.

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