

SOUTH AFRICAN SPORTS COACHING ASSOCIATION

COMMENTS ON THE NATIONAL SPORTS AND RECREATION AMENDMENT BILL, 2020 [B - 2020]

Page #	Original Clause	Proposed Amendments	Reasons therefore
3	<p>Clause 1(a):</p> <p>“club –</p> <p>a) Means an organisation or professional body constituted for a particular code of sport affiliated to a provincial or national federation</p>	<p>SASCA PROPOSED AMENDMENTS</p> <p>The recommendations of SASCA:</p> <p>Remove the phrase ‘or professional’.</p>	<p>The South African Qualifications Authority (SAQA) is the entity legislated in the National Qualifications Amendment Act, No. 12 of 2019, to with respect to professional bodies, ‘develop and implement policy and criteria for recognising a professional body and registering a professional designation for the purposes of this Act, after consultation with statutory and non-statutory bodies of expert practitioners in occupational fields and with the QCs’ (Clause 13 (1) (l) (i). Further ‘with respect to records of education and training, maintain a national learners’ records database , comprising registers of - recognised professional bodies’ (Clause 4 (b)(vi) and</p> <p>‘Maintain a separate register of professional designations’ (Clause 4 (c) (IA) (i).</p> <p>SAQA’s Policy and Criteria for Recognising a Professional Body and Registering a Professional Designation for the Purposes of the NQF Act, Act 67 of 2008, 9as amended in the NQF Amendment Act, No. 12 of 2019) states that</p> <p>‘A body constituted to represent and/or regulate a recognised community of expert practitioners shall be recognised by SAQA as a professional body on</p>

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			<p>fulfilment of the criteria for recognition as a professional body' (Par, 17, of the Policy)</p> <p>'Proliferation of professional bodies within the same community of practice will be discouraged, but will be balanced with the recognition that healthy competition and freedom of association should not be impeded. In cases where more than one professional body for a specific community of practice applies for recognition by SAQA, the following will be considered:</p> <ul style="list-style-type: none"> i. No additional professional bodies will be recognised by SAQA in a sector in which a professional body has been established through an Act of Parliament (a statutory body); ii. No legal impediment to the operation of a second or subsequent body iii. The outcome of broad consultation within the community of practice and the wider society; and iv. The distinctiveness of multiple bodies in the community of practice' (Par. 18). <p>In the light of the above, SASCA does not support the proliferation of professional bodies within the same community of practice, that being sport coaching. Further. SASCA was requested to be the professional body for all sports codes. This is also in line with the NQF Act, No. 67 of 2008, (as</p>

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			<p>amended in the NQF Amendment Act, No 12 of 2019).</p> <p>SASCA was established as an <u>independent professional body for sports coaching</u>, as resolved South African Sports Confederation and Olympics Committee (SASCOC) at the General Council meeting on 8th June 2019. SRSA was invited to the professional body launch, the membership of SASCOC, with National Federations and Provincial Sports Confederations and individual sports coaches and coach education advisors, training providers officially launched the professional body and the sports coaching charter on 19 November 2019.</p>
	<p>Clause 1 Definitions</p>	<p>SASCA proposes that the following terms should also be defined:</p> <ul style="list-style-type: none"> i. Sports coaches ii. Documented foreign nationals iii. Formal sport iv. Professional Sport v. Prescribed manner (Clause 5 (6A)) 	<p>Clear definitions will remove the possibility of confusion about that these terms mean, and the extent of the application of these terms. E.g. how does formal sport differ from professional sport?</p>
	<p>Clause 1 (h) By the substitution for the definition of “sport and recreation body” of the following definition: “ ‘sport or recreation body’ means any national</p>	<p>SASCA agrees with the amended definition in this clause</p>	<p>The addition of ‘club’ and ‘professional league’ and ‘local, provincial’ will provide for a more regulated environment in which clubs operate; and practice and management of sport.</p>

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	<p>federation, agency, <u>club</u> or body, including a trust, <u>professional league</u>, or registered company of such a national federation, agency, <u>club</u> or body, involved in the administration of sport or recreation at <u>local, provincial or national level;</u>”</p>		
4	<p>clause 1(d)</p> <p>The definition of “national federation”</p> <p>“national federation means a national governing body of a code of sport in the Republic <u>with affiliate members of not less than five provinces</u> recognised by –</p> <p>(a) <u>Sport and Recreation South Africa as the only authority for the administration and control of the relative code of</u></p>	<p>SASCA supports this amendment.</p>	<p>The amendment clarifies the role of a ‘National Federation’ and strengthens its recognition status.</p>

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	<p><u>sport in the Republic; and</u> (b) The relevant international controlling body for that particular code of sport”.</p>		
4	<p>clause 1(e) By insertion after the definition of “prescribe” of the following definition: “ <u>‘recreational activity means all forms of physical activity that contribute to physical fitness, mental wellbeing and social interaction organised as a non-competitive sport or recreational activity, including but not limited to leisure sport’.</u></p>	SASCA agrees with this amendment.	SASCA recognises that a measure of regulation is needed to oversee recreational activity, as defined in the amendment Bill, as there has been a proliferation of poor practices, which have the potential of causing physical harm to participants. SASCA recognise that there is a professional body recognised by SAQA which is in place for the fitness industry/sector. SASCA would work collaboratively with this professional body.
5	<p>Clause 2.(b)(i) The Sports Confederation contemplated in subsection (1) must, amongst others, perform the following functions: Develop coaching framework guidelines in order to establish a</p>	<p>SASCA does not agree with this sub-section of clause 2 (b), and proposes that the Minister should not make it one of the Sports Confederation’s (SASCOC) functions to establish the Professional Body and the South African Coaching Council.</p> <p>SASCA proposes that an additional clause be inserted, and numbered Clause 7 (a) in the Draft Amendment Bill, 2020, which would be</p>	<p>In terms of the National Qualifications Framework Act, No 67 of 2008, as amended in the National Qualifications Framework Amendment Act, No. 12 of 2019, the South African Qualifications Authority (SAQA) is required to recognise professional bodies and establish a separate register for registering the designations developed by the professional body.</p> <p>SASCOC was previously recognised by SAQA as the professional body for sports coaching, in 2016. In</p>

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	<p>professional body for sports coaching and the South African Coaching Council in the Republic so as to facilitate all issues relating to the –</p> <p>(i) Development (ii) Education (iii) Training; and (iv) Licensing,</p> <p>Of aspiring persons or current qualified coaches who want to practice or improve his or her skills as a sports coach in the Republic: Provided that anyone who wishes to practice as a sports coach in the Republic in order to train or guide athletes or participants preparing in any sport must -</p> <p>(aa) be a licensed member of the professional body for sports coaching contemplated in paragraph (h) above;</p> <p>(bb) be subject to the rules and guidelines of such a professional body;</p>	<p>titled South African Sports Coaching Association (SASCA).</p> <p>SASCA therefore proposes the following amendment:</p> <p>The Minister recognises the Professional Body for Sports Coaching, named the South African Sports Coaching Association (SASCA) of which the South African Coaching Council is a chamber/committee, as an independent multi-coded Professional Body for all sports coaches, in the Republic, so as to facilitate all issues relation to the</p> <p>(i) Development (ii) Education (iii) Training; and (iv) Licensing,</p> <p>Of aspiring persons or current qualified sports coaches who want to practice or improve his or her skills as a sports coach in the Republic: Provided that anyone who wishes to practice as a sports coach in the Republic in order to train or guide athletes or participants preparing in any sport must -</p> <p>(aa) be a licensed member of the professional body for sports coaching contemplated in paragraph (h) above;</p>	<p>August 2019, SASCOC was de-recognised by SAQA for failing to comply with criteria stipulated in the SAQA Policy the Recognition of Professional Bodies, and the registration of Professional Designations (as amended in 2018). The reasons for SASCOC’s de-recognition were serious and included failure to pay the required annual fee to SAQA; failure to provide policies for Ethics; and other policies and failure to present audited financial statements.</p> <p>In June 2019 SASCOC decided not to continue to function as a professional body, in anticipation of the SAQA de-recognition, and requested a number of persons to serve as a project team to set up an independent professional body. The project team has since become the interim Board,</p> <p>.</p> <p>SASCA has now set up the professional body, and is registered already by CIPC, and is proceeding to implement Continuing Professional Development programmes and Recognition of Prior Learning projects.</p> <p>SASCA believes that it is in the best interest of sports coaches and sport education advisors at club, local, provincial and national levels to belong to an independent professional body which is dedicated to the professional development of all coaches at all levels; and the development of career pathways and</p>

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	<p>(cc) must be in good standing in terms of refresher courses; and (dd) comply with any applicable regulations prescribes in terms of this Act from time to time.</p>	<p>(bb) be subject to the rules and guidelines of such a professional body;</p> <p>(cc) must be in good standing in terms of refresher courses; and</p> <p>(dd) comply with any applicable regulations prescribes in terms of this Act from time to time</p> <p>The South African Coaching Council/commission for Team South Africa Sports Coaches will be established as a sub-committee reporting to the professional body.</p> <p>The SASCA proposes the insertion of sub clauses as follows:</p> <p>Clause 7 (b): SASCA will establish and publish a Memorandum of Agreement with the Sports Confederation which will set out the collaborative and cooperative relationship between SASCA and the Sports Confederation.</p> <p>Clause 7 (c): The Minister may provide funding to SASCA on an annual basis for the education and training of sport coaches and sport education advisors.</p> <p>Clause 7 (d) Functions of SASCA</p>	<p>learning pathways which will create jobs, and employment opportunities for coaches.</p> <p>To be awarded a designation by SASCA, all coaches and coach education advisors are required to sign an ethical code of conduct, the Sports Coaches Charter, and undergo Continuing Professional Development (CPD), which must include the World Anti-doping programme; safety in sport; child safety and protection; and first aid.</p>

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		<p>SASCA proposes that these functions be stated here in a similar way in which the functions of the Sport Arbitration Tribunal are stated in Clause 12 of this Amendment Bill.</p> <p>SASCA proposes that Sport coaches' be used rather than coaches</p>	<p>Difference between a Sport coaches and a business coach, a sports coach is one who instructs, guide or trains the technical, tactical performance of players, athletes or teams in the fundamentals of a sport and directs team strategy in the sports arena.</p> <p>Whereas A coach is typically brought on to fix or improve one particular problem and in the business world, Coaching influences employee adaptability, productivity, and retention.</p>
4	<p>Clause 3: Section 4 of the principal Act is hereby amended by the insertion after subsection (3) of the following subsection:</p> <p>Section 4, subsection 4: “The Minister may from time to time determine and publish policy objectives to be achieved by Sports and Recreation South Africa, the Sports</p>	<p>SASCA proposes the insertion of the words “<u>the South African Sports Coaching Association</u>” after the words ‘Sports Confederation’.</p>	<p>SASCA understands that it has a relationship with the Minister, and other bodies; and that the Minister may wish SASCA to achieve objectives not yet included in the list of areas of responsibility outlines in subsection 7 (l) of this Amendment Bill.</p>

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	Confederation and sports or recreation bodies”		
4	<p>Clause 4.</p> <p>Section 6 of the principal Act is hereby amended (b) by the substitution for subsections (1) and (2) of the following subsections, respectively:</p> <p>(2) Sport or recreation bodies must actively participate in and support programmes and services of Sport and recreation South Africa and the Sports Confederation relating to high-performance sport <u>and the promotion and development of sport</u>”</p>	<p>SASCA proposes that an additional subsection be inserted after subsection (2) to read as follows:</p> <p><u>Sport or recreation bodies must support the participation of all sports coaches and sports coach education advisors who are affiliated to them, in programmes and services of SASCA, for the professional development and learning and career pathways.</u></p>	<p>In its Memorandum of Incorporation (MoI), SASCA has developed an associate membership category for National Federations and education and training providers. SASCA will develop collaborative and cooperative relationships with all other bodies involved in sport and recreation, to the benefit of the coaches, the athletes and the South African public.</p>
4	<p>Clause 4: Subsection (2B)(f) (i) to (viii)</p> <p>Sport and recreation bodies must-</p>	<p>SASCA proposes the addition of the term “<u>South African Sports Coaching Association</u>” to be inserted after the words “Sport and recreation bodies must”</p>	<p>The role of SASCA is to ensure that CPD programmes are offered annually and that these CPD programmes fulfil all the requirements related to key government priorities, ethical behaviour, and professional development of coaches and coach education advisors.</p>
2	<p>Clause 7 subsection 8A (1) (a) onwards :</p> <p>‘<u>The Minister may-</u></p>	<p>SASCA proposes that the reference to all the Acts which already exist to govern facilities</p>	<p>There are numbers of Acts and regulations which are in place and which govern and/or legislate the areas of facilities development, management and</p>

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	(a) <u>Appoint any person in the public service as a sport and recreational facilities inspector;</u>	inspection should be added, possibly as an Annexure to this Amendment Bill.	inspection. Clarity about the underpinning requirements to which such a person in the public service is bound, by referencing the relevant pieces of legislation, is important.
4	<p><u>Clause 8: Section 9 of the principal Act is hereby amended by the addition of the following subsections:</u></p> <p>“(3) the Minister may make regulations for vulnerable communities to participate in sport and to be protected from, any sexual abuse and exploitation;</p> <p>(4) For the purposes of subsection (3), ‘vulnerable community’ means a child under the age of 18, women or people living with disabilities.”</p>	SASCA agrees with this insertion	SASCA fully supports this insertion. SASCA requires all sports coaches and sports coach education advisors to undergo compulsory CPD in the areas of ‘Safety in Sport’ ‘Anti-doping’ Child protection’, ‘First Aid. SASCA also requires every person who becomes a member of the professional body to provide a recent Police Clearance certificate.
6	<p>Clause 9: Section 11 of the principal Act is hereby amended-</p> <p>(a) By the substitution for subsection (1) of the following subsection: The <u>Minister</u> must establish a national</p>	SASCA agrees with this amendment but proposes that an additional subsection be inserted to deal with <u>financial and human resource capacity</u> to carry out this function.	<p>Currently Colours are awarded by the Sports Commission, through its national colours board. This process has led to instances of ‘favouritism’ and has not been open and transparent.</p> <p>SASCA believes though, that for such a Council to function well and without fear or favour, it should be well-resourced with people who are well-versed in sport and high performance sport; and that the</p>

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	colours board which <u>must</u> consider all applications for the awarding of national colours:	SASCA also proposes that a subsection be inserted to allow for an <u>Appeals process</u> to be in place.	Colours board should be financially sustainable, through an annual allocation from the Minister.
	Clause 12: 13D(1)(4) <u>At least one member appointed by the Minister must be a retired judge or senior advocate with relevant experience in sport matters”</u>	SASCA supports this amendment; but proposes that the addition of the following phrase could be considered <u>‘And at least one member must be a member of the duly constituted South African Sports Coaching Association’.</u>	SASCA believes that its role as a professional body requires it to ensure compliance with ethical codes of conduct, and ethical professional development of its members, which are the coaches. Sports Coaches work with athletes at all levels, and disputes have arisen and will arise in future in which the Sport coach is directly implicated or involved.
2	Clause 13. Section 14 of the principal Act is hereby amended- (a) The Minister may make regulations- (b) (c) (Jl) <u>as to the training of sport coaches;</u>	SASCA proposes that this subsection be amended to read The Minister may make regulations requiring activities of the South African Sports Coaching Association as to the education, training and CPD of sports coaches and sports coach education advisors.	SASCA is committed to develop and maintain a sound relationship with the Minister, and all other bodies related to the pursuance of its roles and functions as a professional body. SASCA would like to be recognised by the Minister as the professional body for sports coaching; and for the professional development of sports coaches and coach education advisors. SASCA is committed to fulfilling its roles as a professional body, in line with the requirements of the SAQA policy on the recognition of professional bodies and the registration of professional designations.